

1 A bill to be entitled
2 An act relating to public retirement plans; amending s.
3 112.63, F.S.; requiring that a retirement system or plan
4 include in its actuarial report a projection of the
5 employer's annual required contributions and an experience
6 study; requiring that an enrolled actuary explain
7 variances in assumptions and actual experience and provide
8 recommendations; amending s. 112.65, F.S.; limiting the
9 benefits payable to a member of a retirement system or
10 plan who has not attained 10 years of service by a certain
11 date; amending s. 112.66, F.S.; requiring the board of
12 trustees of a retirement system or plan to provide an
13 account report of its expenses to the Department of
14 Management Services and to submit its proposed
15 administrative expense budget to the plan sponsor within a
16 certain timeframe; amending s. 121.021, F.S.; revising the
17 definition of the terms "member," "special risk member,"
18 "normal retirement date," and "phased retirement program"
19 for purposes of the Florida Retirement System; amending s.
20 amending s. 121.0515, F.S.; revising provisions to conform
21 to the repeal of certain classes within the system;
22 revising the calculations used for upgrading a special
23 risk member's contributions for past service; repealing s.
24 121.052, F.S., relating to the membership class of elected
25 officers; repealing the Elected Officers' Class within the
26 system; repealing s. 121.053, F.S., relating to
27 participation in the Elected Officers' Class for retired
28 members; repealing s. 121.055, F.S., relating to the

29 Senior Management Service Class; repealing the Senior
30 Management Service Class within the system; amending s.
31 121.091, F.S.; limiting the factoring of overtime into any
32 pension benefit; reducing service credit for special risk
33 members; amending s. 175.041, F.S.; revising the
34 applicability of ch. 175, F.S., to firefighters who are
35 eligible for the Florida Retirement System; amending s.
36 175.061, F.S.; limiting the number of trustees of a
37 firefighters' pension trust fund who may also be members
38 of the plan; amending s. 175.091, F.S.; removing an
39 adjustment requirement for member contribution rates to a
40 retirement plan for firefighters; amending s. 175.162,
41 F.S.; deleting a provision relating to inadequate state
42 contribution for additional retirement benefits; amending
43 s. 175.351, F.S.; revising provisions relating to benefits
44 paid from the premium tax by a municipality or special
45 fire control district that has its own pension plan;
46 amending s. 175.371, F.S.; revising provisions relating to
47 benefits payable by an existing plan when a firefighter
48 transfers to another retirement system; creating s.
49 175.372, F.S.; providing for the payment of benefits under
50 another retirement system and the use of premium tax
51 moneys; amending s. 185.02, F.S.; redefining the term
52 "compensation" for purposes of calculating police
53 pensions; amending s. 185.03, F.S.; revising the
54 applicability of ch. 185, F.S., to police officers who are
55 eligible for the Florida Retirement System; amending s.
56 185.05, F.S.; limiting the number of trustees of a police

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57 officers' pension trust fund who may also be members of
58 the plan; amending s. 185.07, F.S.; removing an adjustment
59 requirement for member contribution rates to a retirement
60 plan for police officers; amending s. 185.16, F.S.;
61 deleting a provision relating to inadequate state
62 contributions for additional retirement benefits; amending
63 s. 185.35, F.S.; revising provisions relating to benefits
64 paid by a municipality that has its own pension plan;
65 amending s. 185.38, F.S.; revising provisions relating to
66 benefits payable by an existing plan when a police officer
67 transfers to another retirement system; creating s.
68 185.381, F.S.; providing for the payment of benefits under
69 another retirement system and the use of premium tax
70 moneys; amending ss. 110.205, 112.363, 121.051, 121.071,
71 121.081, 121.122, 121.35, 121.4501, 121.571, 121.71,
72 121.72, 121.73, 122.16, 238.181, and 1012.875, F.S.;
73 revising provisions to conform to the repeal of certain
74 classes within the system; providing that any elected
75 official convicted of a crime, or who is forced to resign
76 his or her office as a result of a plea bargain, shall
77 forfeit any pension benefit administered by this state or
78 any political subdivision thereof; providing a declaration
79 of important state interest; providing an effective date.

80
81 Be It Enacted by the Legislature of the State of Florida:

82
83 Section 1. Paragraph (w) of subsection (2) of section
84 110.205, Florida Statutes, is amended to read:

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85 110.205 Career service; exemptions.—

86 (2) EXEMPT POSITIONS.—The exempt positions that are not
87 covered by this part include the following:

88 (w) Managerial employees, as defined in s. 447.203(4),
89 confidential employees, as defined in s. 447.203(5), and
90 supervisory employees who spend the majority of their time
91 communicating with, motivating, training, and evaluating
92 employees, and planning and directing employees' work, and who
93 have the authority to hire, transfer, suspend, lay off, recall,
94 promote, discharge, assign, reward, or discipline subordinate
95 employees or effectively recommend such action, including all
96 employees serving as supervisors, administrators, and directors.
97 Excluded are employees also designated as special risk ~~or~~
98 ~~special risk administrative support~~ and attorneys who serve as
99 administrative law judges pursuant to s. 120.65 or for hearings
100 conducted pursuant to s. 120.57(1)(a). Additionally, registered
101 nurses licensed under chapter 464, dentists licensed under
102 chapter 466, psychologists licensed under chapter 490 or chapter
103 491, nutritionists or dietitians licensed under part X of
104 chapter 468, pharmacists licensed under chapter 465,
105 psychological specialists licensed under chapter 491, physical
106 therapists licensed under chapter 486, and speech therapists
107 licensed under part I of chapter 468 are excluded, unless
108 otherwise collectively bargained.

109 Section 2. Paragraph (e) of subsection (2) of section
110 112.363, Florida Statutes, is amended to read:

111 112.363 Retiree health insurance subsidy.—

112 (2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

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113 (e) Participants in ~~the Senior Management Service Optional~~
114 ~~Annuity Program as provided in s. 121.055(6) and the State~~
115 University System Optional Retirement Program as provided in s.
116 121.35 shall not receive the retiree health insurance subsidy
117 provided in this section. The employer of such participant shall
118 pay the contributions required in subsection (8) to the annuity
119 program provided in ~~s. 121.055(6)(d) or s. 121.35(4)(a), as~~
120 ~~applicable.~~

121 Section 3. Paragraph (g) is added to subsection (1) of
122 section 112.63, Florida Statutes, and subsection (7) is added to
123 that section, to read:

124 112.63 Actuarial reports and statements of actuarial
125 impact; review.—

126 (1) Each retirement system or plan subject to the
127 provisions of this act shall have regularly scheduled actuarial
128 reports prepared and certified by an enrolled actuary. The
129 actuarial report shall consist of, but shall not be limited to,
130 the following:

131 (g) A 5-year projection of the employer's annual required
132 contributions for each of the 5 fiscal years immediately
133 following the date of the actuarial report and which is based on
134 actual experience for the preceding 5-year period and the
135 current assumptions and cost methods of the retirement system or
136 plan.

137
138 The actuarial cost methods utilized for establishing the amount
139 of the annual actuarial normal cost to support the promised
140 benefits shall only be those methods approved in the Employee

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141 Retirement Income Security Act of 1974 and as permitted under
142 regulations prescribed by the Secretary of the Treasury.

143 (7) Each retirement system or plan must have an experience
144 study prepared and certified by an enrolled actuary at least
145 once every 5 years. The experience study must compare the
146 retirement system's or plan's actual experience on key factors,
147 including, but not limited to, investment return, payroll
148 growth, employee salary changes, employee retirement rates, and
149 employee turnover, along with the retirement system's or plan's
150 assumptions on each factor. If a retirement system's or plan's
151 actual experience materially varies from a retirement system or
152 plan assumption, the enrolled actuary shall explain the material
153 variance and provide a recommendation as to whether a change in
154 the assumption is appropriate.

155 Section 4. Subsection (1) of section 112.65, Florida
156 Statutes, is amended to read:

157 112.65 Limitation of benefits.—

158 (1) ESTABLISHMENT OF PROGRAM.—

159 (a) On or after January 1, 1980, the normal retirement
160 benefit or pension payable to a ~~retiree who becomes~~ a member of
161 a ~~any~~ retirement system or plan ~~and~~ who has not previously
162 participated in such ~~system or plan~~ may, ~~on or after January 1,~~
163 1980, ~~shall~~ not exceed 100 percent of his or her average final
164 compensation.

165 (b) Notwithstanding paragraph (a), the normal retirement
166 benefit or pension payable to a member of a retirement system or
167 plan who has not attained 10 years of credited service under
168 such a system or plan by July 1, 2010, may not exceed 70 percent

169 of his or her highest annual base pay, excluding overtime and
 170 other additional compensation. However, if the member's employer
 171 does not participate in the federal Social Security Act for such
 172 member, the normal retirement benefit or pension payable to the
 173 member may not exceed 90 percent of his or her highest annual
 174 base pay, excluding overtime and other additional compensation.
 175 ~~However, nothing contained in~~

176 (c) This section does not ~~shall~~ apply to supplemental
 177 retirement benefits or to pension increases attributable to
 178 cost-of-living increases or adjustments. For the purposes of
 179 this section, benefits accruing in individual participant
 180 accounts established under the Public Employee Optional
 181 Retirement Program ~~established~~ in part II of chapter 121 are
 182 considered supplemental benefits.

183 (d) As used in this section, the term "average final
 184 compensation" means the average of the member's earnings over a
 185 period of time which the governmental entity has established by
 186 statute, charter, or ordinance.

187 Section 5. Subsection (11) is added to section 112.66,
 188 Florida Statutes, to read:

189 112.66 General provisions.—The following general
 190 provisions relating to the operation and administration of any
 191 retirement system or plan covered by this part shall be
 192 applicable:

193 (11) The board of trustees of each retirement system or
 194 plan shall:

195 (a) Provide a detailed accounting report of its expenses
 196 for each fiscal year to the plan sponsor and the Department of

197 Management Services and shall make the report available to every
 198 member of the retirement system or plan. The report must
 199 include, but need not be limited to, all administrative
 200 expenses, which are defined for the purpose of this subsection
 201 as all expenses relating to any legal counsel, actuary, plan
 202 administrator, and all other consultants, and all travel and
 203 other expenses paid to or on behalf of the members of the board
 204 of trustees or anyone else on behalf of the retirement system or
 205 plan.

206 (b) Submit its proposed administrative expense budget for
 207 each fiscal year at least 120 days before the beginning of the
 208 fiscal year to the plan sponsor for review and approval. The
 209 expense budget must regulate the administrative expenses of the
 210 board of trustees. The board of trustees may not amend the
 211 budget without the prior approval of the plan sponsor.

212 Section 6. Subsection (12), paragraphs (c), (d), and (e)
 213 of subsection (15), and subsections (29) and (43) of section
 214 121.021, Florida Statutes, are amended to read:

215 121.021 Definitions.—The following words and phrases as
 216 used in this chapter have the respective meanings set forth
 217 unless a different meaning is plainly required by the context:

218 (12) "Member" means any officer or employee who is covered
 219 or who becomes covered under this system in accordance with this
 220 chapter. On and after December 1, 1970, all new members and
 221 those members transferring from existing systems shall be
 222 divided into the following classes: "Special Risk Class," as
 223 provided in s. 121.0515(2), ~~;~~ ~~"Special Risk Administrative~~
 224 ~~Support Class," as provided in s. 121.0515(7); "Elected~~

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225 ~~Officers' Class," as provided in s. 121.052; "Senior Management~~
226 ~~Service Class," as provided in s. 121.055; and "Regular Class,"~~
227 which consists of all members who are not in the Special Risk
228 ~~Class, Special Risk Administrative Support Class, Elected~~
229 ~~Officers' Class, or Senior Management Service Class.~~

230 (15)

231 ~~(c) Effective October 1, 1999, "special risk member" means~~
232 ~~a member of the Florida Retirement System who is designated as a~~
233 ~~special risk member by the division in accordance with s.~~
234 ~~121.0515. Such member must be employed as a law enforcement~~
235 ~~officer, a firefighter, a correctional officer, an emergency~~
236 ~~medical technician, or a paramedic and must meet certain other~~
237 ~~special criteria as set forth in s. 121.0515.~~

238 ~~(d)1. Effective January 1, 2001, "special risk member"~~
239 ~~includes any member who is employed as a community-based~~
240 ~~correctional probation officer and meets the special criteria~~
241 ~~set forth in s. 121.0515(2)(e).~~

242 ~~2. Effective January 1, 2001, "special risk member"~~
243 ~~includes any professional health care bargaining unit or non-~~
244 ~~unit member who is employed by the Department of Corrections or~~
245 ~~the Department of Children and Family Services and meets the~~
246 ~~special criteria set forth in s. 121.0515(2)(f).~~

247 ~~(e) Effective July 1, 2001, the term "special risk member"~~
248 ~~includes any member who is employed as a youth custody officer~~
249 ~~by the Department of Juvenile Justice and meets the special~~
250 ~~criteria set forth in s. 121.0515(2)(g).~~

251 (29) "Normal retirement date" means the date a member
252 attains normal retirement age and is vested, which is determined

253 as follows:

254 (a) If a Regular Class member, ~~a Senior Management Service~~
 255 ~~Class member, or an Elected Officers' Class member:~~

256 1. The first day of the month the member completes 6 or
 257 more years of creditable service and attains age 62; or

258 2. The first day of the month following the date the
 259 member completes 30 years of creditable service, regardless of
 260 age.

261 (b) If a Special Risk Class member:

262 1. The first day of the month the member completes 6 or
 263 more years of creditable service in the Special Risk Class and
 264 attains age 55;

265 2. The first day of the month following the date the
 266 member completes 25 years of creditable service in the Special
 267 Risk Class, regardless of age; or

268 3. The first day of the month following the date the
 269 member completes 25 years of creditable service and attains age
 270 ~~52, which service may include a maximum of 4 years of military~~
 271 ~~service credit as long as such credit is not claimed under any~~
 272 ~~other system and the remaining years are in the Special Risk~~
 273 ~~Class.~~

274
 275 "Normal retirement age" is attained on the "normal retirement
 276 date."

277 (43) "Phased retirement program" means a program
 278 contracted by the governing board of a university or community
 279 college participating under this chapter in which a retiree may
 280 be reemployed in a faculty position provided:

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281 (a) The member retired and met the definition of
 282 termination under this section;

283 (b) The retired member is reemployed for not more than 780
 284 hours during the first 12 months of his or her retirement; and

285 (c) The retired member is reemployed with the university
 286 or community college from which he or she retired.

287
 288 Renewed membership for a retiree participating in a phased
 289 retirement program shall be determined in accordance with ~~s.~~
 290 ~~121.053~~ or s. 121.122.

291 Section 7. Subsection (1), paragraph (c) of subsection
 292 (2), and subsection (9) of section 121.051, Florida Statutes,
 293 are amended to read:

294 121.051 Participation in the system.—

295 (1) COMPULSORY PARTICIPATION.—

296 (a) Participation in the Florida Retirement System is
 297 compulsory for all officers and employees, ~~except elected~~
 298 ~~officers who meet the requirements of s. 121.052(3), who are~~
 299 ~~employed on or after December 1, 1970, by an employer other than~~
 300 ~~those referred to in paragraph (2)(b).~~ Each officer or employee,
 301 as a condition of employment, becomes a member of the system on
 302 the date of employment, except that a person who is retired from
 303 any state retirement system and is reemployed on or after
 304 December 1, 1970, may not renew his or her membership in any
 305 state retirement system except as provided in s. 121.091(4)(h)
 306 for a person who recovers from disability, ~~as provided in s.~~
 307 ~~121.053 for a person who is elected to public office,~~ and,
 308 effective July 1, 1991, as provided in s. 121.122 for all other

309 retirees.

310 1. Officers and employees of the University Athletic
311 Association, Inc., a nonprofit association connected with the
312 University of Florida, employed on and after July 1, 1979, may
313 not participate in any state-supported retirement system.

314 2. Any person appointed on or after July 1, 1989, to a
315 faculty position in a college at the J. Hillis Miller Health
316 Center at the University of Florida or the Medical Center at the
317 University of South Florida which has a faculty practice plan
318 adopted by rule by the Board of Regents may not participate in
319 the Florida Retirement System. Effective July 1, 2008, any
320 person appointed to a faculty position, including clinical
321 faculty, in a college at a state university that has a faculty
322 practice plan authorized by the Board of Governors may not
323 participate in the Florida Retirement System. A faculty member
324 so appointed shall participate in the optional retirement
325 program for the State University System notwithstanding s.
326 121.35(2)(a). For purposes of this subparagraph, the term:

327 a. "Faculty position" means a position assigned the
328 principal responsibility of teaching, research, or public
329 service activities or administrative responsibility directly
330 related to the academic mission of the college.

331 b. "Clinical faculty" means a faculty position appointment
332 in conjunction with a professional position in a hospital or
333 other clinical environment at a college.

334 c. "Faculty practice plan" includes professional services
335 to patients, institutions, or other parties which are rendered
336 by the clinical faculty employed by a college that has a faculty

337 | practice plan at a state university authorized by the Board of
 338 | Governors.

339 | (b) After June 30, 1978, the compulsory participation
 340 | provisions of paragraph (a) shall not be construed to require
 341 | participation in the Florida Retirement System by a member of an
 342 | existing system who is reemployed after terminating employment,
 343 | or who otherwise interrupts his or her employment under an
 344 | existing system, provided the member leaves his or her
 345 | accumulated contributions on deposit under the existing system.
 346 | Such member shall continue to have membership in the existing
 347 | system upon reemployment or resumption of employment and shall
 348 | not be permitted to become a member of the Florida Retirement
 349 | System, except by transferring to the Florida Retirement System
 350 | as authorized by paragraph (2) (a) ~~or s. 121.052~~ or by being
 351 | reemployed after terminating employment and receiving a refund
 352 | of his or her accumulated contributions made to the existing
 353 | system.

354 | (c)1. After June 30, 1983, a member of an existing system
 355 | who is reemployed after terminating employment shall have at the
 356 | time of reemployment the option of selecting to remain in the
 357 | existing retirement system or to transfer to the Florida
 358 | Retirement System. Failure to submit such selection in writing
 359 | to the Department of Management Services within 6 months of
 360 | reemployment shall result in compulsory membership in the
 361 | Florida Retirement System.

362 | 2. After June 30, 1988, the provisions of subparagraph 1.
 363 | shall not apply to a member of an existing system who is
 364 | reemployed within 12 months after terminating employment. Such

365 member shall continue to have membership in the existing system
 366 upon reemployment and shall not be permitted to become a member
 367 of the Florida Retirement System, ~~except by transferring to that~~
 368 ~~system as provided in ss. 121.052 and 121.055.~~

369 (d) The following persons are not eligible to participate
 370 in the Florida Retirement System:

371 1. Employees of a not-for-profit corporation or
 372 association created by the Board of County Commissioners of Palm
 373 Beach County for the purpose of owning, operating, or managing a
 374 public bus transit system formerly operated or managed by a
 375 private corporation subject to 49 U.S.C. s. 5333(b).

376 2. Persons who perform services as a consultant or an
 377 independent contractor, as defined by the division.

378 (2) OPTIONAL PARTICIPATION.—

379 (c) Employees of public community colleges or charter
 380 technical career centers sponsored by public community colleges,
 381 designated in s. 1000.21(3), who are members of the Regular
 382 Class of the Florida Retirement System and who comply with the
 383 criteria set forth in this paragraph and s. 1012.875 may, in
 384 lieu of participating in the Florida Retirement System, elect to
 385 withdraw from the system altogether and participate in the State
 386 Community College System Optional Retirement Program provided by
 387 the employing agency under s. 1012.875.

388 1. Through June 30, 2001, the cost to the employer for
 389 such annuity equals the normal cost portion of the employer
 390 retirement contribution which would be required if the employee
 391 were a member of the Regular Class defined benefit program, plus
 392 the portion of the contribution rate required by s. 112.363(8)

393 | which would otherwise be assigned to the Retiree Health
394 | Insurance Subsidy Trust Fund. Effective July 1, 2001, each
395 | employer shall contribute on behalf of each participant in the
396 | optional program an amount equal to 10.43 percent of the
397 | participant's gross monthly compensation. The employer shall
398 | deduct an amount for the administration of the program. The
399 | employer shall contribute an additional amount to the Florida
400 | Retirement System Trust Fund equal to the unfunded actuarial
401 | accrued liability portion of the Regular Class contribution
402 | rate.

403 | 2. The decision to participate in an optional retirement
404 | program is irrevocable as long as the employee holds a position
405 | eligible for participation, except as provided in subparagraph
406 | 3. Any service creditable under the Florida Retirement System is
407 | retained after the member withdraws from the system; however,
408 | additional service credit in the system may not be earned while
409 | a member of the optional retirement program.

410 | 3. An employee who has elected to participate in the
411 | optional retirement program shall have one opportunity, at the
412 | employee's discretion, to transfer from the optional retirement
413 | program to the defined benefit program of the Florida Retirement
414 | System or to the Public Employee Optional Retirement Program,
415 | subject to the terms of the applicable optional retirement
416 | program contracts.

417 | a. If the employee chooses to move to the Public Employee
418 | Optional Retirement Program, any contributions, interest, and
419 | earnings creditable to the employee under the State Community
420 | College System Optional Retirement Program are retained by the

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421 employee in the State Community College System Optional
422 Retirement Program, and the applicable provisions of s.
423 121.4501(4) govern the election.

424 b. If the employee chooses to move to the defined benefit
425 program of the Florida Retirement System, the employee shall
426 receive service credit equal to his or her years of service
427 under the State Community College System Optional Retirement
428 Program.

429 (I) The cost for such credit is the amount representing
430 the present value of the employee's accumulated benefit
431 obligation for the affected period of service. The cost shall be
432 calculated as if the benefit commencement occurs on the first
433 date the employee becomes eligible for unreduced benefits, using
434 the discount rate and other relevant actuarial assumptions that
435 were used to value the Florida Retirement System defined benefit
436 plan liabilities in the most recent actuarial valuation. The
437 calculation must include any service already maintained under
438 the defined benefit plan in addition to the years under the
439 State Community College System Optional Retirement Program. The
440 present value of any service already maintained must be applied
441 as a credit to total cost resulting from the calculation. The
442 division shall ensure that the transfer sum is prepared using a
443 formula and methodology certified by an enrolled actuary.

444 (II) The employee must transfer from his or her State
445 Community College System Optional Retirement Program account and
446 from other employee moneys as necessary, a sum representing the
447 present value of the employee's accumulated benefit obligation
448 immediately following the time of such movement, determined

449 assuming that attained service equals the sum of service in the
 450 defined benefit program and service in the State Community
 451 College System Optional Retirement Program.

452 4. Participation in the optional retirement program is
 453 limited to employees who satisfy the following eligibility
 454 criteria:

455 a. The employee must be otherwise eligible for membership
 456 or renewed membership in the Regular Class of the Florida
 457 Retirement System, as provided in s. 121.021(11) and (12) or s.
 458 121.122.

459 b. The employee must be employed in a full-time position
 460 classified in the Accounting Manual for Florida's Public
 461 Community Colleges as:

462 (I) Instructional; or

463 (II) Executive Management, Instructional Management, or
 464 Institutional Management, if a community college determines that
 465 recruiting to fill a vacancy in the position is to be conducted
 466 in the national or regional market, and the duties and
 467 responsibilities of the position include the formulation,
 468 interpretation, or implementation of policies, or the
 469 performance of functions that are unique or specialized within
 470 higher education and that frequently support the mission of the
 471 community college.

472 ~~e. The employee must be employed in a position not~~
 473 ~~included in the Senior Management Service Class of the Florida~~
 474 ~~Retirement System, as described in s. 121.055.~~

475 5. Participants in the program are subject to the same
 476 reemployment limitations, renewed membership provisions, and

477 forfeiture provisions as are applicable to regular members of
478 the Florida Retirement System under ss. 121.091(9), 121.122, and
479 121.091(5), respectively. A participant who receives a program
480 distribution funded by employer contributions shall be deemed to
481 be retired from a state-administered retirement system if the
482 participant is subsequently employed with an employer that
483 participates in the Florida Retirement System.

484 6. Eligible community college employees are compulsory
485 members of the Florida Retirement System until, pursuant to s.
486 1012.875, a written election to withdraw from the system and
487 participate in the State Community College System Optional
488 Retirement Program is filed with the program administrator and
489 received by the division.

490 a. A community college employee whose program eligibility
491 results from initial employment must be enrolled in the State
492 Community College System Optional Retirement Program retroactive
493 to the first day of eligible employment. The employer retirement
494 contributions paid through the month of the employee plan change
495 shall be transferred to the community college to the employee's
496 optional program account, and, effective the first day of the
497 next month, the employer shall pay the applicable contributions
498 based upon subparagraph 1.

499 b. A community college employee whose program eligibility
500 is due to the subsequent designation of the employee's position
501 as one of those specified in subparagraph 4., or due to the
502 employee's appointment, promotion, transfer, or reclassification
503 to a position specified in subparagraph 4., must be enrolled in
504 the program on the first day of the first full calendar month

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505 that such change in status becomes effective. The employer
506 retirement contributions paid from the effective date through
507 the month of the employee plan change must be transferred to the
508 community college to the employee's optional program account,
509 and, effective the first day of the next month, the employer
510 shall pay the applicable contributions based upon subparagraph
511 1.

512 7. Effective July 1, 2003, through December 31, 2008, any
513 participant of the State Community College System Optional
514 Retirement Program who has service credit in the defined benefit
515 plan of the Florida Retirement System for the period between his
516 or her first eligibility to transfer from the defined benefit
517 plan to the optional retirement program and the actual date of
518 transfer may, during employment, transfer to the optional
519 retirement program a sum representing the present value of the
520 accumulated benefit obligation under the defined benefit
521 retirement program for the period of service credit. Upon
522 transfer, all service credit previously earned under the defined
523 benefit program of the Florida Retirement System during this
524 period is nullified for purposes of entitlement to a future
525 benefit under the defined benefit program of the Florida
526 Retirement System.

527 (9) DUAL EMPLOYMENT.—A member may not participate in more
528 than one state-administered retirement system, plan, or class of
529 membership simultaneously. Pursuant thereto:

530 (a) With respect to any member who is ~~not eligible to~~
531 ~~participate in the Elected Officers' Class, but who is~~
532 simultaneously employed in two or more positions covered by

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533 different Florida Retirement System classes:

534 1. The member must participate in the membership class for
535 the position in which he or she is employed the majority of the
536 time: ~~the Regular Class, Senior Management Service Class,~~
537 ~~Special Risk Class, or Special Risk Administrative Support~~
538 ~~Class;~~ or

539 2. If the employment is split equally between or among
540 positions, the member may choose any single class of membership
541 for which he or she is eligible, whether or not the positions
542 are full-time positions. The member's choice must be made in
543 writing and remains in effect as long as the member is employed
544 equally in two or more positions.

545 (b) Contributions shall be made and creditable service
546 shall be determined as follows:

547 1. If the member is participating in the Regular Class,
548 retirement contributions shall be made on the total salary the
549 member has received for all covered employment, and at
550 retirement the member's average final compensation shall be
551 calculated on the total salary received from all covered
552 employment.

553 2. If the member is participating in the ~~Senior Management~~
554 ~~Service Class, Special Risk Class, or Special Risk~~
555 ~~Administrative Support Class,~~ retirement contributions shall be
556 made only on the salary received in the designated class of
557 membership. At retirement, the member's average final
558 compensation shall be based only on the salary received in the
559 designated class of membership for any period, including any
560 period of dual employment.

561 Section 8. Paragraphs (d) through (j) of subsection (2)
 562 and subsections (4), (5), and (7) of section 121.0515, Florida
 563 Statutes, are amended, and subsections (8) and (9) of that
 564 section are renumbered as subsections (7) and (8), respectively,
 565 to read:

566 121.0515 Special risk membership.—

567 (2) CRITERIA.—A member, to be designated as a special risk
 568 member, must meet the following criteria:

569 ~~(d) The member must be employed by a licensed Advance Life~~
 570 ~~Support (ALS) or Basic Life Support (BLS) employer as an~~
 571 ~~emergency medical technician or a paramedic and be certified in~~
 572 ~~compliance with s. 401.27. In addition, the member's primary~~
 573 ~~duties and responsibilities must include on-the-scene emergency~~
 574 ~~medical care or direct supervision of emergency medical~~
 575 ~~technicians or paramedics, or the member must be the supervisor~~
 576 ~~or command officer of one or more members who have such~~
 577 ~~responsibility. However, administrative support personnel,~~
 578 ~~including, but not limited to, those whose primary~~
 579 ~~responsibilities are in accounting, purchasing, legal, and~~
 580 ~~personnel, shall not be included;~~

581 ~~(e) The member must be employed as a community-based~~
 582 ~~correctional probation officer and be certified, or required to~~
 583 ~~be certified, in compliance with s. 943.1395. In addition, the~~
 584 ~~member's primary duties and responsibilities must be the~~
 585 ~~supervised custody, surveillance, control, investigation, and~~
 586 ~~counseling of assigned inmates, probationers, parolees, or~~
 587 ~~community controllees within the community; or the member must~~
 588 ~~be the supervisor of a member or members who have such~~

589 ~~responsibilities. Administrative support personnel, including,~~
 590 ~~but not limited to, those whose primary duties and~~
 591 ~~responsibilities are in accounting, purchasing, legal services,~~
 592 ~~and personnel management, shall not be included; however,~~
 593 ~~probation and parole circuit and deputy circuit administrators~~
 594 ~~shall participate in the Special Risk Class;~~

595 ~~(f) The member must be employed in one of the following~~
 596 ~~classes and must spend at least 75 percent of his or her time~~
 597 ~~performing duties which involve contact with patients or inmates~~
 598 ~~in a correctional or forensic facility or institution:~~

- 599 ~~1. Dietitian (class codes 5203 and 5204);~~
- 600 ~~2. Public health nutrition consultant (class code 5224);~~
- 601 ~~3. Psychological specialist (class codes 5230 and 5231);~~
- 602 ~~4. Psychologist (class code 5234);~~
- 603 ~~5. Senior psychologist (class codes 5237 and 5238);~~
- 604 ~~6. Regional mental health consultant (class code 5240);~~
- 605 ~~7. Psychological Services Director DCF (class code 5242);~~
- 606 ~~8. Pharmacist (class codes 5245 and 5246);~~
- 607 ~~9. Senior pharmacist (class codes 5248 and 5249);~~
- 608 ~~10. Dentist (class code 5266);~~
- 609 ~~11. Senior dentist (class code 5269);~~
- 610 ~~12. Registered nurse (class codes 5290 and 5291);~~
- 611 ~~13. Senior registered nurse (class codes 5292 and 5293);~~
- 612 ~~14. Registered nurse specialist (class codes 5294 and~~
 613 ~~5295);~~
- 614 ~~15. Clinical associate (class codes 5298 and 5299);~~
- 615 ~~16. Advanced registered nurse practitioner (class codes~~
 616 ~~5297 and 5300);~~

617 ~~17. Advanced registered nurse practitioner specialist~~
 618 ~~(class codes 5304 and 5305);~~
 619 ~~18. Registered nurse supervisor (class codes 5306 and~~
 620 ~~5307);~~
 621 ~~19. Senior registered nurse supervisor (class codes 5308~~
 622 ~~and 5309);~~
 623 ~~20. Registered nursing consultant (class codes 5312 and~~
 624 ~~5313);~~
 625 ~~21. Quality management program supervisor (class code~~
 626 ~~5314);~~
 627 ~~22. Executive nursing director (class codes 5320 and~~
 628 ~~5321);~~
 629 ~~23. Speech and hearing therapist (class code 5406); or~~
 630 ~~24. Pharmacy manager (class code 5251);~~
 631 ~~(g) The member must be employed as a youth custody officer~~
 632 ~~and be certified, or required to be certified, in compliance~~
 633 ~~with s. 943.1395. In addition, the member's primary duties and~~
 634 ~~responsibilities must be the supervised custody, surveillance,~~
 635 ~~control, investigation, apprehension, arrest, and counseling of~~
 636 ~~assigned juveniles within the community; or~~
 637 ~~(h) Effective October 1, 2005, through June 30, 2008, the~~
 638 ~~member must be employed by a law enforcement agency or medical~~
 639 ~~examiner's office in a forensic discipline recognized by the~~
 640 ~~International Association for Identification and must qualify~~
 641 ~~for active membership in the International Association for~~
 642 ~~Identification. The member's primary duties and responsibilities~~
 643 ~~must include the collection, examination, preservation,~~
 644 ~~documentation, preparation, or analysis of physical evidence or~~

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645 ~~testimony, or both, or the member must be the direct supervisor,~~
646 ~~quality management supervisor, or command officer of one or more~~
647 ~~individuals with such responsibility. Administrative support~~
648 ~~personnel, including, but not limited to, those whose primary~~
649 ~~responsibilities are clerical or in accounting, purchasing,~~
650 ~~legal, and personnel, shall not be included.~~

651 ~~(i) Effective July 1, 2008, the member must be employed by~~
652 ~~the Department of Law Enforcement in the crime laboratory or by~~
653 ~~the Division of State Fire Marshal in the forensic laboratory in~~
654 ~~one of the following classes:~~

- 655 ~~1. Forensic technologist (class code 8459);~~
- 656 ~~2. Crime laboratory technician (class code 8461);~~
- 657 ~~3. Crime laboratory analyst (class code 8463);~~
- 658 ~~4. Senior crime laboratory analyst (class code 8464);~~
- 659 ~~5. Crime laboratory analyst supervisor (class code 8466);~~
- 660 ~~6. Forensic chief (class code 9602); or~~
- 661 ~~7. Forensic services quality manager (class code 9603).~~

662 ~~(j) Effective July 1, 2008, the member must be employed by~~
663 ~~a local government law enforcement agency or medical examiner's~~
664 ~~office and must spend at least 65 percent of his or her time~~
665 ~~performing duties that involve the collection, examination,~~
666 ~~preservation, documentation, preparation, or analysis of human~~
667 ~~tissues or fluids or physical evidence having potential~~
668 ~~biological, chemical, or radiological hazard or contamination,~~
669 ~~or use chemicals, processes, or materials that may have~~
670 ~~carcinogenic or health-damaging properties in the analysis of~~
671 ~~such evidence, or the member must be the direct supervisor of~~
672 ~~one or more individuals having such responsibility. If a special~~

673 ~~risk member changes to another position within the same agency,~~
 674 ~~he or she must submit a complete application as provided in~~
 675 ~~paragraph (3) (a).~~

676 (4) REMOVAL OF SPECIAL RISK MEMBERSHIP.—

677 ~~(a)~~ Any member who is a special risk member on October 1,
 678 1978, and who fails to meet the criteria for special risk
 679 membership established by this section shall have his or her
 680 special risk designation removed and thereafter shall be a
 681 regular member and shall earn only regular membership credit.
 682 The department shall have the authority to review the special
 683 risk designation of members to determine whether or not those
 684 members continue to meet the criteria for special risk
 685 membership.

686 ~~(b) Any member who is a special risk member on July 1,~~
 687 ~~2008, and who became eligible to participate under paragraph~~
 688 ~~(2) (h) but fails to meet the criteria for special risk~~
 689 ~~membership established by paragraph (2) (i) or paragraph (2) (j)~~
 690 ~~shall have his or her special risk designation removed and~~
 691 ~~thereafter shall be a Regular Class member and earn only Regular~~
 692 ~~Class membership credit. The department may review the special~~
 693 ~~risk designation of members to determine whether or not those~~
 694 ~~members continue to meet the criteria for special risk~~
 695 ~~membership.~~

696 (5) CREDIT FOR PAST SERVICE.—A special risk member may
 697 purchase retirement credit in the Special Risk Class based upon
 698 past service, and may upgrade retirement credit for ~~such past~~
 699 ~~service, to the extent of 2 percent of the member's average~~
 700 monthly compensation as specified in s. 121.091(1) (a) ~~for such~~

701 ~~service~~ as follows:

702 (a) The member may purchase special risk credit for past
 703 service with a city or special district that ~~which~~ has elected
 704 to join the Florida Retirement System, or with a participating
 705 agency to which a member's governmental unit was transferred,
 706 merged, or consolidated, as provided in s. 121.081(1)(f), if the
 707 member was employed with the city or special district at the
 708 time it commenced participating in the Florida Retirement System
 709 or with the governmental unit at the time of its transfer,
 710 merger, or consolidation with the participating agency. The
 711 service must satisfy the criteria set forth in subsection (2)
 712 for special risk membership as a law enforcement officer,
 713 firefighter, or correctional officer; however, a ~~no~~ certificate
 714 or waiver of certificate of compliance with s. 943.1395 or s.
 715 633.35 is not ~~shall be~~ required for such service.

716 (b) Contributions for upgrading the first 2 percent of the
 717 member's average monthly compensation for the additional special
 718 risk credit ~~pursuant to this subsection~~ shall be equal to the
 719 difference in the contributions paid and the special risk
 720 percentage rate of gross salary in effect at the time of
 721 purchase for the period being claimed, plus interest thereon at
 722 the rate of 4 percent a year compounded annually from the date
 723 of such service until July 1, 1975, and 6.5 percent a year
 724 thereafter until the date of payment. ~~This~~ Past service may be
 725 purchased by the member or by the employer on behalf of the
 726 member.

727 (c) Contributions for upgrading additional special risk
 728 credit greater than 2 percent but not exceeding 3 percent of the

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729 member's average monthly compensation must be in an amount
730 representing the actuarial accrued liability for the difference
731 in accrual value during the period of service for which credit
732 is being purchased. Contributions shall be calculated by an
733 actuary designated by the department using the discount rate and
734 other relevant actuarial assumptions used to value the Florida
735 Retirement System defined benefit plan liabilities in the most
736 recent actuarial valuation. The contribution for service credit
737 being purchased must be paid by the member or by the employer on
738 behalf of the member immediately upon notification by the
739 division.

740 ~~(7) RETENTION OF SPECIAL RISK NORMAL RETIREMENT DATE.—~~

741 ~~(a) A special risk member who is moved or reassigned to a~~
742 ~~nonspecial risk law enforcement, firefighting, correctional, or~~
743 ~~emergency medical care administrative support position with the~~
744 ~~same agency, or who is subsequently employed in such a position~~
745 ~~with any law enforcement, firefighting, correctional, or~~
746 ~~emergency medical care agency under the Florida Retirement~~
747 ~~System, shall participate in the Special Risk Administrative~~
748 ~~Support Class and shall earn credit for such service at the same~~
749 ~~percentage rate as that earned by a regular member.~~

750 ~~Notwithstanding the provisions of subsection (4), service in~~
751 ~~such an administrative support position shall, for purposes of~~
752 ~~s. 121.091, apply toward satisfaction of the special risk normal~~
753 ~~retirement date, as defined in s. 121.021(29) (b), provided that,~~
754 ~~while in such position, the member remains certified as a law~~
755 ~~enforcement officer, firefighter, correctional officer,~~
756 ~~emergency medical technician, or paramedic; remains subject to~~

757 ~~reassignment at any time to a position qualifying for special~~
 758 ~~risk membership; and completes an aggregate of 6 or more years~~
 759 ~~of service as a designated special risk member prior to~~
 760 ~~retirement.~~

761 ~~(b) Upon application by a member, the provisions of this~~
 762 ~~subsection shall apply, with respect to such member,~~
 763 ~~retroactively to October 1, 1978, provided that the member was~~
 764 ~~removed from the Special Risk Class effective October 1, 1978,~~
 765 ~~due to a change in special risk criteria as a result of the~~
 766 ~~enactment of chapter 78-308, Laws of Florida, or was reassigned~~
 767 ~~or employed for training or career development or to fill a~~
 768 ~~critical agency need.~~

769 ~~(c) The department shall adopt such rules as are required~~
 770 ~~to administer this subsection.~~

771 Section 9. Section 121.052, Florida Statutes, is repealed.

772 Section 10. Section 121.053, Florida Statutes, is
 773 repealed.

774 Section 11. Section 121.055, Florida Statutes, is
 775 repealed.

776 Section 12. Subsections (1) and (4) of section 121.071,
 777 Florida Statutes, are amended to read:

778 121.071 Contributions.—Contributions to the system shall
 779 be made as follows:

780 (1) The following tables state the required retirement
 781 contribution rates for members of the Regular Class or, Special
 782 Risk Class, ~~or Special Risk Administrative Support Class~~ and
 783 their employers in terms of a percentage of the member's gross
 784 compensation. A change in a contribution rate is effective with

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785 the first salary paid on or after the beginning date of the
 786 change. Contributions shall be made or deducted as may be
 787 appropriate for each pay period and are in addition to the
 788 contributions required for social security and the Retiree
 789 Health Insurance Subsidy Trust Fund.

790 (a)1. Retirement contributions for regular members are as
 791 follows:

792 Dates of Contribution

Rate Changes	Members	Employers
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793

794

July 1, 2001, through June 30, 2002	0%	9.91%
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795

796 2. Effective July 1, 2002, the retirement contributions
 797 for regular members shall be specified in s. 121.71.

798 (b)1. Retirement contributions for special risk members
 799 are as follows:

800

Dates of Contribution

Rate Changes	Members	Employers
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801

802

July 1, 2001, through June 30,	0%	22.07%
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2002

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2. Effective July 1, 2002, retirement contributions for special risk members shall be specified in s. 121.71.

~~(c)1. Retirement contributions for special risk administrative support members are as follows:~~

~~Dates of Contribution~~

Rate Changes	Members	Employers
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July 1, 2001, through June 30, 2002	0%	12.55%
--	---------------	-------------------

~~2. Effective July 1, 2002, retirement contributions for special risk administrative support members shall be specified in s. 121.71.~~

(4) The following table states the required employer contribution on behalf of each member of the Regular Class or Special Risk Class, ~~or Special Risk Administrative Support Class~~ in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to each such member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

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	Dates of Contribution	Contribution
	Rate Changes	Rate
825	October 1, 1987, through December 31, 1988	0.24%
826	January 1, 1989, through December 31, 1993	0.48%
827	January 1, 1994, through December 31, 1994	0.56%
828	January 1, 1995, through June 30, 1998	0.66%
829	July 1, 1998, through June 30, 2001	0.94%
830	Effective July 1, 2001	1.11%

831
 832 Such contributions shall be deposited by the administrator in
 833 the Retiree Health Insurance Subsidy Trust Fund.

834 Section 13. Subsection (2) of section 121.081, Florida
 835 Statutes, is amended to read:

836 121.081 Past service; prior service; contributions.—
 837 Conditions under which past service or prior service may be
 838 claimed and credited are:

839 (2) Prior service, as defined in s. 121.021(19), may be
 840 claimed as creditable service under the Florida Retirement
 841 System after a member has been reemployed for 1 complete year of
 842 creditable service within a period of 12 consecutive months,
 843 except as provided in paragraph (c). Service performed as a
 844 participant of the optional retirement program for the State

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845 University System under s. 121.35 ~~or the Senior Management~~
846 ~~Service Optional Annuity Program under s. 121.055~~ may be used to
847 satisfy the reemployment requirement of 1 complete year of
848 creditable service. The member shall not be permitted to make
849 any contributions for prior service until after completion of
850 the 1 year of creditable service. If a member does not wish to
851 claim credit for all of his or her prior service, the service
852 the member claims must be the most recent period of service. The
853 required contributions for claiming the various types of prior
854 service are:

855 (a) For prior service performed prior to the date the
856 system becomes noncontributory for the member and for which the
857 member had credit under one of the existing retirement systems
858 and received a refund of contributions upon termination of
859 employment, the member shall contribute 4 percent of all salary
860 received during the period being claimed, plus 4-percent
861 interest compounded annually from date of refund until July 1,
862 1975, and 6.5-percent interest compounded annually thereafter,
863 until full payment is made to the Retirement Trust Fund, and
864 shall receive credit in the Regular Class. A member who elected
865 to transfer to the Florida Retirement System from an existing
866 system may receive credit for prior service under the existing
867 system if he or she was eligible under the existing system to
868 claim the prior service at the time of the transfer.

869 Contributions for such prior service shall be determined by the
870 applicable provisions of the system under which the prior
871 service is claimed and shall be paid by the member, with
872 matching contributions paid by the employer at the time the

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873 service was performed. Effective July 1, 1978, the account of a
874 person who terminated under s. 238.05(3) may not be charged
875 interest for contributions that remained on deposit in the
876 Annuity Savings Trust Fund established under chapter 238, upon
877 retirement under this chapter or chapter 238.

878 (b) For prior service performed prior to the date the
879 system becomes noncontributory for the member and for which the
880 member had credit under the Florida Retirement System and
881 received a refund of contributions upon termination of
882 employment, the member shall contribute at the rate that was
883 required of him or her during the period of service being
884 claimed, on all salary received during such period, plus 4-
885 percent interest compounded annually from date of refund until
886 July 1, 1975, and 6.5-percent interest compounded annually
887 thereafter, until the full payment is made to the Retirement
888 Trust Fund, and shall receive credit in the membership class in
889 which the member participated during the period claimed.

890 (c) For prior service as defined in s. 121.021(19)(b) and
891 (c) during which no contributions were made because the member
892 did not participate in a retirement system, the member shall
893 contribute 14.38 percent of all salary received during such
894 period or 14.38 percent of \$100 per month during such period,
895 whichever is greater, plus 4-percent interest compounded
896 annually from the first year of service claimed until July 1,
897 1975, and 6.5-percent interest compounded annually thereafter,
898 until full payment is made to the Retirement Trust Fund, and
899 shall receive credit in the Regular Class.

900 (d) In order to claim credit for prior service as defined

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901 in s. 121.021(19)(d) for which no retirement contributions were
902 paid during the period of such service, the member shall
903 contribute the total employee and employer contributions which
904 were required to be made to the Highway Patrol Pension Trust
905 Fund, as provided in chapter 321, during the period claimed,
906 plus 4-percent interest compounded annually from the first year
907 of service until July 1, 1975, and 6.5-percent interest
908 compounded annually thereafter, until full payment is made to
909 the Retirement Trust Fund. However, any governmental entity
910 which employed such member may elect to pay up to 50 percent of
911 the contributions and interest required to purchase this prior
912 service credit. The service shall be credited in accordance with
913 the provisions of the Highway Patrol Pension Plan in effect
914 during the period claimed unless the member terminated and
915 withdrew his or her retirement contributions and was thereafter
916 enrolled in the State and County Officers and Employees'
917 Retirement System or the Florida Retirement System, in which
918 case the service shall be credited as Regular Class service.

919 (e) For service performed under the Florida Retirement
920 System after December 1, 1970, that was never reported to the
921 division or the department due to error, retirement credit may
922 be claimed by a member of the Florida Retirement System. The
923 department shall adopt rules establishing criteria for claiming
924 such credit and detailing the documentation required to
925 substantiate the error.

926 (f) The employer may not be required to make contributions
927 for prior service credit for any member, ~~except that the~~
928 ~~employer shall pay the employer portion of contributions for any~~

929 ~~legislator who elects to withdraw from the Florida Retirement~~
 930 ~~System and later rejoins the system and pays any employee~~
 931 ~~contributions required in accordance with s. 121.052(3)(d).~~

932 Section 14. Paragraph (a) of subsection (1), subsection
 933 (2), paragraph (a) of subsection (3), paragraphs (b) and (c) of
 934 subsection (9), and paragraphs (a), (b), (c), and (g) of
 935 subsection (13) of section 121.091, Florida Statutes, are
 936 amended to read:

937 121.091 Benefits payable under the system.—Benefits may
 938 not be paid under this section unless the member has terminated
 939 employment as provided in s. 121.021(39)(a) or begun
 940 participation in the Deferred Retirement Option Program as
 941 provided in subsection (13), and a proper application has been
 942 filed in the manner prescribed by the department. The department
 943 may cancel an application for retirement benefits when the
 944 member or beneficiary fails to timely provide the information
 945 and documents required by this chapter and the department's
 946 rules. The department shall adopt rules establishing procedures
 947 for application for retirement benefits and for the cancellation
 948 of such application when the required information or documents
 949 are not received.

950 (1) NORMAL RETIREMENT BENEFIT.—Upon attaining his or her
 951 normal retirement date, the member, upon application to the
 952 administrator, shall receive a monthly benefit which shall begin
 953 to accrue on the first day of the month of retirement and be
 954 payable on the last day of that month and each month thereafter
 955 during his or her lifetime. The normal retirement benefit,
 956 including any past or additional retirement credit, may not

957 | exceed 100 percent of the average final compensation. Overtime
 958 | exceeding 4 percent of the member's compensation beyond base,
 959 | hourly, or annual salary shall not be factored into any pension
 960 | benefit. The amount of monthly benefit shall be calculated as
 961 | the product of A and B, subject to the adjustment of C, if
 962 | applicable, as set forth below:

963 | (a)1. For creditable years of Regular Class service, A is
 964 | 1.60 percent of the member's average final compensation, up to
 965 | the member's normal retirement date. Upon completion of the
 966 | first year after the normal retirement date, A is 1.63 percent
 967 | of the member's average final compensation. Following the second
 968 | year after the normal retirement date, A is 1.65 percent of the
 969 | member's average final compensation. Following the third year
 970 | after the normal retirement date, and for subsequent years, A is
 971 | 1.68 percent of the member's average final compensation.

972 | 2. For creditable years of special risk service, A is:
 973 | a. 2 ~~two~~ percent of the member's average final
 974 | compensation, up to the member's normal retirement date ~~for all~~
 975 | ~~creditable years prior to October 1, 1974;~~

976 | ~~b. Three percent of the member's average final~~
 977 | ~~compensation for all creditable years after September 30, 1974,~~
 978 | ~~and before October 1, 1978;~~

979 | ~~e. Two percent of the member's average final compensation~~
 980 | ~~for all creditable years after September 30, 1978, and before~~
 981 | ~~January 1, 1989;~~

982 | ~~d. Two and two-tenths percent of the member's final~~
 983 | ~~monthly compensation for all creditable years after December 31,~~
 984 | ~~1988, and before January 1, 1990;~~

985 ~~e. Two and four-tenths percent of the member's average~~
 986 ~~final compensation for all creditable years after December 31,~~
 987 ~~1989, and before January 1, 1991;~~

988 ~~f. Two and six-tenths percent of the member's average~~
 989 ~~final compensation for all creditable years after December 31,~~
 990 ~~1990, and before January 1, 1992;~~

991 ~~g. Two and eight-tenths percent of the member's average~~
 992 ~~final compensation for all creditable years after December 31,~~
 993 ~~1991, and before January 1, 1993;~~

994 ~~h. Three percent of the member's average final~~
 995 ~~compensation for all creditable years after December 31, 1992;~~
 996 ~~and~~

997 ~~i. Three percent of the member's average final~~
 998 ~~compensation for all creditable years of service after September~~
 999 ~~30, 1978, and before January 1, 1993, for any special risk~~
 1000 ~~member who retires after July 1, 2000, or any member of the~~
 1001 ~~Special Risk Administrative Support Class entitled to retain the~~
 1002 ~~special risk normal retirement date who was a member of the~~
 1003 ~~Special Risk Class during the time period and who retires after~~
 1004 ~~July 1, 2000.~~

1005 ~~3. For creditable years of Senior Management Service Class~~
 1006 ~~service after January 31, 1987, A is 2 percent;~~

1007 ~~4. For creditable years of Elected Officers' Class service~~
 1008 ~~as a Supreme Court Justice, district court of appeal judge,~~
 1009 ~~circuit judge, or county court judge, A is 3 1/3 percent of the~~
 1010 ~~member's average final compensation, and for all other~~
 1011 ~~creditable service in such class, A is 3 percent of average~~
 1012 ~~final compensation;~~

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1013 (2) BENEFITS PAYABLE FOR DUAL NORMAL RETIREMENT AGES.—If a
 1014 member accumulates retirement benefits to commence at different
 1015 normal retirement ages by virtue of having performed duties for
 1016 an employer which would entitle him or her to benefits as both a
 1017 member of the Special Risk Class and a member of ~~either the~~
 1018 ~~Regular Class, Senior Management Service Class, or Elected~~
 1019 ~~Officers' Class~~, the amount of benefits payable shall be
 1020 computed separately with respect to each such age and the sum of
 1021 such computed amounts shall be paid as provided in this section.

1022 (3) EARLY RETIREMENT BENEFIT.—Upon retirement on his or
 1023 her early retirement date, the member shall receive an immediate
 1024 monthly benefit that shall begin to accrue on the first day of
 1025 the month of the retirement date and be payable on the last day
 1026 of that month and each month thereafter during his or her
 1027 lifetime. Such benefit shall be calculated as follows:

1028 (a) The amount of each monthly payment shall be computed
 1029 in the same manner as for a normal retirement benefit, in
 1030 accordance with subsection (1), but shall be based on the
 1031 member's average monthly compensation and creditable service as
 1032 of the member's early retirement date. The benefit so computed
 1033 shall be reduced by five-twelfths of 1 percent for each complete
 1034 month by which the early retirement date precedes the normal
 1035 retirement date of age 62 for a member of the Regular Class,
 1036 ~~Senior Management Service Class, or the Elected Officers' Class,~~
 1037 and age 55 for a member of the Special Risk Class, or age 52 if
 1038 a Special Risk member has completed 25 years of creditable
 1039 service in accordance with s. 121.021(29)(b)3.

1040 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

1041 (b) Any person whose retirement is effective before July
 1042 1, 2010, or whose participation in the Deferred Retirement
 1043 Option Program terminates before July 1, 2010, except under the
 1044 disability retirement provisions of subsection (4) ~~or as~~
 1045 ~~provided in s. 121.053~~, may be reemployed by an employer that
 1046 participates in a state-administered retirement system and
 1047 receive retirement benefits and compensation from that employer,
 1048 except that the person may not be reemployed by an employer
 1049 participating in the Florida Retirement System before meeting
 1050 the definition of termination in s. 121.021 and may not receive
 1051 both a salary from the employer and retirement benefits for 12
 1052 calendar months immediately subsequent to the date of
 1053 retirement. However, a DROP participant shall continue
 1054 employment and receive a salary during the period of
 1055 participation in the Deferred Retirement Option Program, as
 1056 provided in subsection (13).

1057 1. A retiree who violates such reemployment limitation
 1058 before completion of the 12-month limitation period must give
 1059 timely notice of this fact in writing to the employer and to the
 1060 Division of Retirement or the state board and shall have his or
 1061 her retirement benefits suspended for the months employed or the
 1062 balance of the 12-month limitation period as required in sub-
 1063 subparagraphs b. and c. A retiree employed in violation of this
 1064 paragraph and an employer who employs or appoints such person
 1065 are jointly and severally liable for reimbursement to the
 1066 retirement trust fund, including the Florida Retirement System
 1067 Trust Fund and the Public Employee Optional Retirement Program
 1068 Trust Fund, from which the benefits were paid. The employer must

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1069 have a written statement from the retiree that he or she is not
 1070 retired from a state-administered retirement system. Retirement
 1071 benefits shall remain suspended until repayment has been made.
 1072 Benefits suspended beyond the reemployment limitation shall
 1073 apply toward repayment of benefits received in violation of the
 1074 reemployment limitation.

1075 a. A district school board may reemploy a retiree as a
 1076 substitute or hourly teacher, education paraprofessional,
 1077 transportation assistant, bus driver, or food service worker on
 1078 a noncontractual basis after he or she has been retired for 1
 1079 calendar month. A district school board may reemploy a retiree
 1080 as instructional personnel, as defined in s. 1012.01(2)(a), on
 1081 an annual contractual basis after he or she has been retired for
 1082 1 calendar month. Any member who is reemployed within 1 calendar
 1083 month after retirement shall void his or her application for
 1084 retirement benefits. District school boards reemploying such
 1085 teachers, education paraprofessionals, transportation
 1086 assistants, bus drivers, or food service workers are subject to
 1087 the retirement contribution required by subparagraph 2.

1088 b. A community college board of trustees may reemploy a
 1089 retiree as an adjunct instructor or as a participant in a phased
 1090 retirement program within the Florida Community College System,
 1091 after he or she has been retired for 1 calendar month. A member
 1092 who is reemployed within 1 calendar month after retirement shall
 1093 void his or her application for retirement benefits. Boards of
 1094 trustees reemploying such instructors are subject to the
 1095 retirement contribution required in subparagraph 2. A retiree
 1096 may be reemployed as an adjunct instructor for no more than 780

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1097 hours during the first 12 months of retirement. A retiree
1098 reemployed for more than 780 hours during the first 12 months of
1099 retirement must give timely notice in writing to the employer
1100 and to the Division of Retirement or the state board of the date
1101 he or she will exceed the limitation. The division shall suspend
1102 his or her retirement benefits for the remainder of the 12
1103 months of retirement. Any retiree employed in violation of this
1104 sub-subparagraph and any employer who employs or appoints such
1105 person without notifying the division to suspend retirement
1106 benefits are jointly and severally liable for any benefits paid
1107 during the reemployment limitation period. The employer must
1108 have a written statement from the retiree that he or she is not
1109 retired from a state-administered retirement system. Any
1110 retirement benefits received by the retiree while reemployed in
1111 excess of 780 hours during the first 12 months of retirement
1112 must be repaid to the Florida Retirement System Trust Fund, and
1113 retirement benefits shall remain suspended until repayment is
1114 made. Benefits suspended beyond the end of the retiree's first
1115 12 months of retirement shall apply toward repayment of benefits
1116 received in violation of the 780-hour reemployment limitation.

1117 c. The State University System may reemploy a retiree as
1118 an adjunct faculty member or as a participant in a phased
1119 retirement program within the State University System after the
1120 retiree has been retired for 1 calendar month. A member who is
1121 reemployed within 1 calendar month after retirement shall void
1122 his or her application for retirement benefits. The State
1123 University System is subject to the retired contribution
1124 required in subparagraph 2., as appropriate. A retiree may be

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1125 reemployed as an adjunct faculty member or a participant in a
1126 phased retirement program for no more than 780 hours during the
1127 first 12 months of his or her retirement. A retiree reemployed
1128 for more than 780 hours during the first 12 months of retirement
1129 must give timely notice in writing to the employer and to the
1130 Division of Retirement or the state board of the date he or she
1131 will exceed the limitation. The division shall suspend his or
1132 her retirement benefits for the remainder of the 12 months. Any
1133 retiree employed in violation of this sub-subparagraph and any
1134 employer who employs or appoints such person without notifying
1135 the division to suspend retirement benefits are jointly and
1136 severally liable for any benefits paid during the reemployment
1137 limitation period. The employer must have a written statement
1138 from the retiree that he or she is not retired from a state-
1139 administered retirement system. Any retirement benefits received
1140 by the retiree while reemployed in excess of 780 hours during
1141 the first 12 months of retirement must be repaid to the Florida
1142 Retirement System Trust Fund, and retirement benefits shall
1143 remain suspended until repayment is made. Benefits suspended
1144 beyond the end of the retiree's first 12 months of retirement
1145 shall apply toward repayment of benefits received in violation
1146 of the 780-hour reemployment limitation.

1147 d. The Board of Trustees of the Florida School for the
1148 Deaf and the Blind may reemploy a retiree as a substitute
1149 teacher, substitute residential instructor, or substitute nurse
1150 on a noncontractual basis after he or she has been retired for 1
1151 calendar month. Any member who is reemployed within 1 calendar
1152 month after retirement shall void his or her application for

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1153 retirement benefits. The Board of Trustees of the Florida School
1154 for the Deaf and the Blind reemploying such teachers,
1155 residential instructors, or nurses is subject to the retirement
1156 contribution required by subparagraph 2.

1157 e. A developmental research school may reemploy a retiree
1158 as a substitute or hourly teacher or an education
1159 paraprofessional as defined in s. 1012.01(2) on a noncontractual
1160 basis after he or she has been retired for 1 calendar month. A
1161 developmental research school may reemploy a retiree as
1162 instructional personnel, as defined in s. 1012.01(2)(a), on an
1163 annual contractual basis after he or she has been retired for 1
1164 calendar month after retirement. Any member who is reemployed
1165 within 1 calendar month voids his or her application for
1166 retirement benefits. A developmental research school that
1167 reemploys retired teachers and education paraprofessionals is
1168 subject to the retirement contribution required by subparagraph
1169 2.

1170 f. A charter school may reemploy a retiree as a substitute
1171 or hourly teacher on a noncontractual basis after he or she has
1172 been retired for 1 calendar month. A charter school may reemploy
1173 a retired member as instructional personnel, as defined in s.
1174 1012.01(2)(a), on an annual contractual basis after he or she
1175 has been retired for 1 calendar month after retirement. Any
1176 member who is reemployed within 1 calendar month voids his or
1177 her application for retirement benefits. A charter school that
1178 reemploys such teachers is subject to the retirement
1179 contribution required by subparagraph 2.

1180 2. The employment of a retiree or DROP participant of a

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1181 state-administered retirement system does not affect the average
 1182 final compensation or years of creditable service of the retiree
 1183 or DROP participant. Before July 1, 1991, upon employment of any
 1184 person, ~~other than an elected officer as provided in s. 121.053,~~
 1185 who is retired under a state-administered retirement program,
 1186 the employer shall pay retirement contributions in an amount
 1187 equal to the unfunded actuarial liability portion of the
 1188 employer contribution which would be required for regular
 1189 members of the Florida Retirement System. Effective July 1,
 1190 1991, contributions shall be made as provided in s. 121.122 for
 1191 retirees who have renewed membership or, as provided in
 1192 subsection (13), for DROP participants.

1193 3. Any person who is holding an elective public office
 1194 which is covered by the Florida Retirement System and who is
 1195 concurrently employed in nonelected covered employment may elect
 1196 to retire while continuing employment in the elective public
 1197 office if he or she terminates his or her nonelected covered
 1198 employment. Such person shall receive his or her retirement
 1199 benefits in addition to the compensation of the elective office
 1200 without regard to the time limitations otherwise provided in
 1201 this subsection. A person who seeks to exercise the provisions
 1202 of this subparagraph as they existed before May 3, 1984, may not
 1203 be deemed to be retired under those provisions, unless such
 1204 person is eligible to retire under this subparagraph, as amended
 1205 by chapter 84-11, Laws of Florida.

1206 (c) Any person whose retirement is effective on or after
 1207 July 1, 2010, or whose participation in the Deferred Retirement
 1208 Option Program terminates on or after July 1, 2010, who is

1209 | retired under this chapter, except under the disability
 1210 | retirement provisions of subsection (4) ~~or as provided in s.~~
 1211 | ~~121.053~~, may be reemployed by an employer that participates in a
 1212 | state-administered retirement system and receive retirement
 1213 | benefits and compensation from that employer. However, a person
 1214 | may not be reemployed by an employer participating in the
 1215 | Florida Retirement System before meeting the definition of
 1216 | termination in s. 121.021 and may not receive both a salary from
 1217 | the employer and retirement benefits for 6 calendar months after
 1218 | meeting the definition of termination. However, a DROP
 1219 | participant shall continue employment and receive a salary
 1220 | during the period of participation in the Deferred Retirement
 1221 | Option Program, as provided in subsection (13).

1222 | 1. The reemployed retiree may not renew membership in the
 1223 | Florida Retirement System.

1224 | 2. The employer shall pay retirement contributions in an
 1225 | amount equal to the unfunded actuarial liability portion of the
 1226 | employer contribution that would be required for active members
 1227 | of the Florida Retirement System in addition to the
 1228 | contributions required by s. 121.76.

1229 | 3. A retiree initially reemployed in violation of this
 1230 | paragraph and an employer that employs or appoints such person
 1231 | are jointly and severally liable for reimbursement of any
 1232 | retirement benefits paid to the retirement trust fund from which
 1233 | the benefits were paid, including the Florida Retirement System
 1234 | Trust Fund and the Public Employee Optional Retirement Program
 1235 | Trust Fund, as appropriate. The employer must have a written
 1236 | statement from the employee that he or she is not retired from a

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1237 state-administered retirement system. Retirement benefits shall
1238 remain suspended until repayment is made. Benefits suspended
1239 beyond the end of the retiree's 6-month reemployment limitation
1240 period shall apply toward the repayment of benefits received in
1241 violation of this paragraph.

1242 (13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and
1243 subject to this section, the Deferred Retirement Option Program,
1244 hereinafter referred to as DROP, is a program under which an
1245 eligible member of the Florida Retirement System may elect to
1246 participate, deferring receipt of retirement benefits while
1247 continuing employment with his or her Florida Retirement System
1248 employer. The deferred monthly benefits shall accrue in the
1249 Florida Retirement System on behalf of the participant, plus
1250 interest compounded monthly, for the specified period of the
1251 DROP participation, as provided in paragraph (c). Upon
1252 termination of employment, the participant shall receive the
1253 total DROP benefits and begin to receive the previously
1254 determined normal retirement benefits. Participation in the DROP
1255 does not guarantee employment for the specified period of DROP.
1256 Participation in DROP by an eligible member beyond the initial
1257 60-month period as authorized in this subsection shall be on an
1258 annual contractual basis for all participants.

1259 (a) Eligibility of member to participate in DROP.—All
1260 active Florida Retirement System members in a regularly
1261 established position, and all active members of the Teachers'
1262 Retirement System established in chapter 238 or the State and
1263 County Officers' and Employees' Retirement System established in
1264 chapter 122, which are consolidated within the Florida

1265 Retirement System under s. 121.011, are eligible to elect
 1266 participation in DROP if:

1267 1. The member is not a renewed member under s. 121.122 or
 1268 a member of the State Community College System Optional
 1269 Retirement Program under s. 121.051, ~~the Senior Management~~
 1270 ~~Service Optional Annuity Program under s. 121.055,~~ or the
 1271 optional retirement program for the State University System
 1272 under s. 121.35.

1273 2. Except as provided in subparagraph 6., election to
 1274 participate is made within 12 months immediately following the
 1275 date on which the member first reaches normal retirement date,
 1276 or, for a member who reaches normal retirement date based on
 1277 service before he or she reaches age 62, or age 55 for Special
 1278 Risk Class members, election to participate may be deferred to
 1279 the 12 months immediately following the date the member attains
 1280 age 57, or age 52 for Special Risk Class members. A member who
 1281 delays DROP participation during the 12-month period immediately
 1282 following his or her maximum DROP deferral date, except as
 1283 provided in subparagraph 6., loses a month of DROP participation
 1284 for each month delayed. A member who fails to make an election
 1285 within the 12-month limitation period forfeits all rights to
 1286 participate in DROP. The member shall advise his or her employer
 1287 and the division in writing of the date DROP begins. The
 1288 beginning date may be subsequent to the 12-month election period
 1289 but must be within the original 60-month participation period
 1290 provided in subparagraph (b)1. When establishing eligibility of
 1291 the member to participate in DROP, the member may elect to
 1292 include or exclude any optional service credit purchased by the

1293 member from the total service used to establish the normal
 1294 retirement date. A member who has dual normal retirement dates
 1295 is eligible to elect to participate in DROP after attaining
 1296 normal retirement date in either class.

1297 3. The employer of a member electing to participate in
 1298 DROP, or employers if dually employed, shall acknowledge in
 1299 writing to the division the date the member's participation in
 1300 DROP begins and the date the member's employment and DROP
 1301 participation will terminate.

1302 4. Simultaneous employment of a participant by additional
 1303 Florida Retirement System employers subsequent to the
 1304 commencement of participation in DROP is permissible if such
 1305 employers acknowledge in writing a DROP termination date no
 1306 later than the participant's existing termination date or the
 1307 maximum participation period provided in subparagraph (b)1.

1308 5. A DROP participant may change employers while
 1309 participating in DROP, subject to the following:

1310 a. A change of employment must take place without a break
 1311 in service so that the member receives salary for each month of
 1312 continuous DROP participation. If a member receives no salary
 1313 during a month, DROP participation shall cease unless the
 1314 employer verifies a continuation of the employment relationship
 1315 for such participant pursuant to s. 121.021(39)(b).

1316 b. Such participant and new employer shall notify the
 1317 division of the identity of the new employer on forms required
 1318 by the division.

1319 c. The new employer shall acknowledge, in writing, the
 1320 participant's DROP termination date, which may be extended but

1321 not beyond the maximum participation period provided in
 1322 subparagraph (b)1., shall acknowledge liability for any
 1323 additional retirement contributions and interest required if the
 1324 participant fails to timely terminate employment, and is subject
 1325 to the adjustment required in sub-subparagraph (c)5.d.

1326 6. Effective July 1, 2001, for instructional personnel as
 1327 defined in s. 1012.01(2), election to participate in DROP may be
 1328 made at any time following the date on which the member first
 1329 reaches normal retirement date. The member shall advise his or
 1330 her employer and the division in writing of the date on which
 1331 DROP begins. When establishing eligibility of the member to
 1332 participate in DROP for the 60-month participation period
 1333 provided in subparagraph (b)1., the member may elect to include
 1334 or exclude any optional service credit purchased by the member
 1335 from the total service used to establish the normal retirement
 1336 date. A member who has dual normal retirement dates is eligible
 1337 to elect to participate in either class.

1338 (b) Participation in DROP.—

1339 1. An eligible member may elect to participate in DROP for
 1340 a period not to exceed a maximum of 60 calendar months. However,
 1341 members who are instructional personnel employed by the Florida
 1342 School for the Deaf and the Blind and authorized by the Board of
 1343 Trustees of the Florida School for the Deaf and the Blind, who
 1344 are instructional personnel as defined in s. 1012.01(2)(a)-(d)
 1345 in grades K-12 and authorized by the district school
 1346 superintendent, or who are instructional personnel as defined in
 1347 s. 1012.01(2)(a) employed by a developmental research school and
 1348 authorized by the school's director, or if the school has no

1349 director, by the school's principal, may participate in DROP for
 1350 up to 36 calendar months beyond the 60-month period.

1351 2. Upon deciding to participate in DROP, the member shall
 1352 submit, on forms required by the division:

1353 a. A written election to participate in DROP;

1354 b. Selection of DROP participation and termination dates
 1355 that satisfy the limitations stated in paragraph (a) and
 1356 subparagraph 1. The termination date must be in a binding letter
 1357 of resignation to the employer establishing a deferred
 1358 termination date. The member may change the termination date
 1359 within the limitations of subparagraph 1., but only with the
 1360 written approval of the employer;

1361 c. A properly completed DROP application for service
 1362 retirement as provided in this section; and

1363 d. Any other information required by the division.

1364 3. The DROP participant is a retiree under the Florida
 1365 Retirement System for all purposes, except for paragraph (5) (f)
 1366 and subsection (9) and ss. 112.3173, 112.363, ~~121.053~~, and
 1367 121.122. DROP participation is final and may not be canceled by
 1368 the participant after the first payment is credited during the
 1369 DROP participation period. However, participation in DROP does
 1370 not alter the participant's employment status, and the member is
 1371 not deemed retired from employment until his or her deferred
 1372 resignation is effective and termination occurs as defined in s.
 1373 121.021.

1374 4. Elected officers are eligible to participate in DROP
 1375 subject to the following:

1376 a. An elected officer who reaches normal retirement date

1377 during a term of office may defer the election to participate
 1378 until the next succeeding term in that office. An elected
 1379 officer who exercises this option may participate in DROP for up
 1380 to 60 calendar months or no longer than the succeeding term of
 1381 office, whichever is less.

1382 b. An elected or a nonelected participant may run for a
 1383 term of office while participating in DROP and, if elected,
 1384 extend the DROP termination date accordingly; however, if such
 1385 additional term of office exceeds the 60-month limitation
 1386 established in subparagraph 1., and the officer does not resign
 1387 from office within such 60-month limitation, the retirement and
 1388 the participant's DROP is null and void as provided in sub-
 1389 subparagraph (c)5.d.

1390 c. An elected officer who is dually employed and elects to
 1391 participate in DROP must terminate all employment relationships
 1392 as provided in s. 121.021(39) for the nonelected position within
 1393 the original 60-month period or maximum participation period as
 1394 provided in subparagraph 1. ~~For DROP participation ending:~~

1395 ~~(I) before July 1, 2010, the officer may continue~~
 1396 ~~employment as an elected officer as provided in s. 121.053. The~~
 1397 ~~elected officer shall be enrolled as a renewed member in the~~
 1398 ~~Elected Officers' Class or the Regular Class, as provided in ss.~~
 1399 ~~121.053 and 121.122, on the first day of the month after~~
 1400 ~~termination of employment in the nonelected position and~~
 1401 ~~termination of DROP. Distribution of the DROP benefits shall be~~
 1402 ~~made as provided in paragraph (c).~~

1403 ~~(II) On or after July 1, 2010, the officer may continue~~
 1404 ~~employment as an elected officer but must defer termination as~~

1405 ~~provided in s. 121.053.~~

1406 (c) Benefits payable under DROP.—

1407 1. Effective on the date of DROP participation, the
 1408 member's initial normal monthly benefit, including creditable
 1409 service, optional form of payment, and average final
 1410 compensation, and the effective date of retirement are fixed.
 1411 The beneficiary established under the Florida Retirement System
 1412 is the beneficiary eligible to receive any DROP benefits payable
 1413 if the DROP participant dies before completing the period of
 1414 DROP participation. If a joint annuitant predeceases the member,
 1415 the member may name a beneficiary to receive accumulated DROP
 1416 benefits payable. The retirement benefit, the annual cost of
 1417 living adjustments provided in s. 121.101, and interest accrue
 1418 monthly in the Florida Retirement System Trust Fund. The
 1419 interest accrues at an effective annual rate of 6.5 percent
 1420 compounded monthly, on the prior month's accumulated ending
 1421 balance, up to the month of termination or death, ~~except as~~
 1422 ~~provided in s. 121.053(7).~~

1423 2. Each employee who elects to participate in DROP may
 1424 elect to receive a lump-sum payment for accrued annual leave
 1425 earned in accordance with agency policy upon beginning
 1426 participation in DROP. The accumulated leave payment certified
 1427 to the division upon commencement of DROP shall be included in
 1428 the calculation of the member's average final compensation. The
 1429 employee electing the lump-sum payment is not eligible to
 1430 receive a second lump-sum payment upon termination, except to
 1431 the extent the employee has earned additional annual leave
 1432 which, combined with the original payment, does not exceed the

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1433 maximum lump-sum payment allowed by the employing agency's
1434 policy or rules. An early lump-sum payment shall be based on the
1435 hourly wage of the employee at the time he or she begins
1436 participation in DROP. If the member elects to wait and receive
1437 a lump-sum payment upon termination of DROP and termination of
1438 employment with the employer, any accumulated leave payment made
1439 at that time may not be included in the member's retirement
1440 benefit, which was determined and fixed by law when the employee
1441 elected to participate in DROP.

1442 3. The effective date of DROP participation and the
1443 effective date of retirement of a DROP participant shall be the
1444 first day of the month selected by the member to begin
1445 participation in DROP, provided such date is properly
1446 established, with the written confirmation of the employer, and
1447 the approval of the division, on forms required by the division.

1448 4. Normal retirement benefits and any interest shall
1449 continue to accrue in DROP until the established termination
1450 date of DROP or until the participant terminates employment or
1451 dies prior to such date, ~~except as provided in s. 121.053(7)~~.
1452 Although individual DROP accounts shall not be established, a
1453 separate accounting of each participant's accrued benefits under
1454 DROP shall be calculated and provided to participants.

1455 5. At the conclusion of the participant's DROP, the
1456 division shall distribute the participant's total accumulated
1457 DROP benefits, subject to the following:

1458 a. The division shall receive verification by the
1459 participant's employer or employers that the participant has
1460 terminated all employment relationships as provided in s.

1461 121.021(39).

1462 b. The terminated DROP participant or, if deceased, the
 1463 participant's named beneficiary, shall elect on forms provided
 1464 by the division to receive payment of the DROP benefits in
 1465 accordance with one of the options listed below. If a
 1466 participant or beneficiary fails to elect a method of payment
 1467 within 60 days after termination of DROP, the division shall pay
 1468 a lump sum as provided in sub-sub-subparagraph (I).

1469 (I) Lump sum.—All accrued DROP benefits, plus interest,
 1470 less withholding taxes remitted to the Internal Revenue Service,
 1471 shall be paid to the DROP participant or surviving beneficiary.

1472 (II) Direct rollover.—All accrued DROP benefits, plus
 1473 interest, shall be paid from DROP directly to the custodian of
 1474 an eligible retirement plan as defined in s. 402(c)(8)(B) of the
 1475 Internal Revenue Code. However, in the case of an eligible
 1476 rollover distribution to the surviving spouse of a deceased
 1477 participant, an eligible retirement plan is an individual
 1478 retirement account or an individual retirement annuity as
 1479 described in s. 402(c)(9) of the Internal Revenue Code.

1480 (III) Partial lump sum.—A portion of the accrued DROP
 1481 benefits shall be paid to DROP participant or surviving spouse,
 1482 less withholding taxes remitted to the Internal Revenue Service,
 1483 and the remaining DROP benefits must be transferred directly to
 1484 the custodian of an eligible retirement plan as defined in s.
 1485 402(c)(8)(B) of the Internal Revenue Code. However, in the case
 1486 of an eligible rollover distribution to the surviving spouse of
 1487 a deceased participant, an eligible retirement plan is an
 1488 individual retirement account or an individual retirement

1489 annuity as described in s. 402(c)(9) of the Internal Revenue
 1490 Code. The proportions must be specified by the DROP participant
 1491 or surviving beneficiary.

1492 c. The form of payment selected by the DROP participant or
 1493 surviving beneficiary must comply with the minimum distribution
 1494 requirements of the Internal Revenue Code.

1495 d. A DROP participant who fails to terminate all
 1496 employment relationships as provided in s. 121.021(39) shall be
 1497 deemed as not retired, and the DROP election is null and void.
 1498 Florida Retirement System membership shall be reestablished
 1499 retroactively to the date of the commencement of DROP, and each
 1500 employer with whom the participant continues employment must pay
 1501 to the Florida Retirement System Trust Fund the difference
 1502 between the DROP contributions paid in paragraph (i) and the
 1503 contributions required for the applicable Florida Retirement
 1504 System class of membership during the period the member
 1505 participated in DROP, plus 6.5 percent interest compounded
 1506 annually.

1507 6. The retirement benefits of any DROP participant who
 1508 terminates all employment relationships as provided in s.
 1509 121.021(39) but is reemployed in violation of the reemployment
 1510 provisions of subsection (9) shall be suspended during those
 1511 months in which the retiree is in violation. Any retiree in
 1512 violation of this subparagraph and any employer that employs or
 1513 appoints such person without notifying the Division of
 1514 Retirement to suspend retirement benefits are jointly and
 1515 severally liable for any benefits paid during the reemployment
 1516 limitation period. The employer must have a written statement

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1517 | from the retiree that he or she is not retired from a state-
 1518 | administered retirement system. Any retirement benefits received
 1519 | by a retiree while employed in violation of the reemployment
 1520 | limitations must be repaid to the Florida Retirement System
 1521 | Trust Fund, and his or her retirement benefits shall remain
 1522 | suspended until payment is made. Benefits suspended beyond the
 1523 | end of the reemployment limitation period apply toward repayment
 1524 | of benefits received in violation of the reemployment
 1525 | limitation.

1526 | 7. The accrued benefits of any DROP participant, and any
 1527 | contributions accumulated under the program, are not subject to
 1528 | assignment, execution, attachment, or any legal process
 1529 | whatsoever, except for qualified domestic relations orders by a
 1530 | court of competent jurisdiction, income deduction orders as
 1531 | provided in s. 61.1301, and federal income tax levies.

1532 | 8. DROP participants are not eligible for disability
 1533 | retirement benefits as provided in subsection (4).

1534 | (g) Renewed membership.—DROP participants are not eligible
 1535 | for renewed membership in the Florida Retirement System under s.
 1536 | ~~ss. 121.053 and 121.122~~ until all employment relationships are
 1537 | terminated as provided in s. 121.021(39).

1538 | Section 15. Subsection (1) of section 121.122, Florida
 1539 | Statutes, is amended to read:

1540 | 121.122 Renewed membership in system.—

1541 | (1) ~~Except as provided in s. 121.053,~~ Effective July 1,
 1542 | 1991, through June 30, 2010, any retiree of a state-administered
 1543 | retirement system who is initially reemployed in a regularly
 1544 | established position with a covered employer, ~~including an~~

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1545 ~~elective public office that does not qualify for the Elected~~
1546 ~~Officer's Class,~~ shall be enrolled as a compulsory member of the
1547 Regular Class of the Florida Retirement System. ~~Effective July~~
1548 ~~1, 1997, through June 30, 2010, any retiree of a state-~~
1549 ~~administered retirement system who is initially reemployed in a~~
1550 ~~position included in the Senior Management Service Class shall~~
1551 ~~be enrolled as a compulsory member of the Senior Management~~
1552 ~~Service Class of the Florida Retirement System as provided in s.~~
1553 ~~121.055.~~ A retiree is entitled to receive an additional
1554 retirement benefit, subject to the following conditions:

1555 (a) Such member must resatisfy the age and service
1556 requirements as provided in this chapter for initial membership
1557 under the system, ~~unless such member elects to participate in~~
1558 ~~the Senior Management Service Optional Annuity Program in lieu~~
1559 ~~of the Senior Management Service Class, as provided in s.~~
1560 ~~121.055(6).~~

1561 (b) Such member is not entitled to disability benefits as
1562 provided in s. 121.091(4).

1563 (c) Such member must meet the reemployment after
1564 retirement limitations as provided in s. 121.091(9), as
1565 applicable.

1566 (d) Upon renewed membership or reemployment of a retiree,
1567 the employer of such member shall pay the applicable employer
1568 contributions as required by ss. 112.363, 121.71, 121.74, and
1569 121.76.

1570 (e) Such member is entitled to purchase additional
1571 retirement credit in the Regular Class ~~or the Senior Management~~
1572 ~~Service Class, as applicable,~~ for any postretirement service

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1573 performed in a regularly established position ~~as follows:~~
 1574 ~~1.~~ for regular class service prior to July 1, 1991, by
 1575 paying the Regular Class applicable employee and employer
 1576 contributions for the period being claimed, plus 4 percent
 1577 interest compounded annually from first year of service claimed
 1578 until July 1, 1975, and 6.5 percent interest compounded
 1579 thereafter, until full payment is made to the Florida Retirement
 1580 System Trust Fund; ~~or~~

1581 ~~2. For Senior Management Service Class prior to June 1,~~
 1582 ~~1997, as provided in s. 121.055(1)(j).~~

1583
 1584 The contribution for postretirement service between July 1,
 1585 1985, and July 1, 1991, for which the reemployed retiree
 1586 contribution was paid, shall be the difference between such
 1587 contribution and the total applicable contribution for the
 1588 period being claimed, plus interest. The employer of such member
 1589 may pay the applicable employer contribution in lieu of the
 1590 member. If a member does not wish to claim credit for all of the
 1591 postretirement service for which he or she is eligible, the
 1592 service the member claims must be the most recent service.

1593 (f) No creditable service for which credit was received,
 1594 or which remained unclaimed, at retirement may be claimed or
 1595 applied toward service credit earned following renewed
 1596 membership. ~~However, service earned as an elected officer with~~
 1597 ~~renewed membership in the Elected Officers' Class may be used in~~
 1598 ~~conjunction with creditable service earned under this section,~~
 1599 ~~provided the applicable vesting requirements and other existing~~
 1600 ~~statutory conditions required by this chapter are met.~~

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1601 (g) Notwithstanding any other limitations provided in this
 1602 section, a participant of the State University System Optional
 1603 Retirement Program, or the State Community College Optional
 1604 Retirement Program, ~~or the Senior Management Service Optional~~
 1605 ~~Annuity Program~~ who terminated employment and commenced
 1606 receiving a distribution under the optional program, who
 1607 initially renews membership as required by this section upon
 1608 reemployment after retirement, and who had previously earned
 1609 creditable Florida Retirement System service that was not
 1610 included in any retirement benefit may include such previous
 1611 service toward vesting and service credit in the second career
 1612 benefit provided under renewed membership.

1613 (h) A renewed member who is not receiving the maximum
 1614 health insurance subsidy provided in s. 112.363 is entitled to
 1615 earn additional credit toward the maximum health insurance
 1616 subsidy. Any additional subsidy due because of such additional
 1617 credit may be received only at the time of payment of the second
 1618 career retirement benefit. The total health insurance subsidy
 1619 received by a retiree receiving benefits from initial and
 1620 renewed membership may not exceed the maximum allowed in s.
 1621 112.363.

1622 Section 16. Paragraph (h) of subsection (3) of section
 1623 121.35, Florida Statutes, is amended to read:

1624 121.35 Optional retirement program for the State
 1625 University System.—

1626 (3) ELECTION OF OPTIONAL PROGRAM.—

1627 (h) A participant in the optional retirement program may
 1628 not participate in more than one state-administered retirement

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1629 system, plan, or class simultaneously. ~~Except as provided in s.~~
 1630 ~~121.052(6)(d),~~ A participant who is or becomes dually employed
 1631 in two or more positions covered by the Florida Retirement
 1632 System, one of which is eligible for the optional program and
 1633 one of which is not, may remain a member of the optional program
 1634 and contributions shall be paid as required only on the salary
 1635 earned in the position eligible for the optional program during
 1636 the period of dual employment; or, within 90 days after becoming
 1637 dually employed, he or she may elect membership in the Regular
 1638 Class of the Florida Retirement System in lieu of the optional
 1639 program and contributions shall be paid as required on the total
 1640 salary received for all employment. At retirement, the average
 1641 final compensation used to calculate any benefits for which the
 1642 member becomes eligible under the Florida Retirement System must
 1643 be based on all salary reported for both positions during such
 1644 period of dual employment. If the member ceases to be dually
 1645 employed, he or she may, within 90 days, elect to remain in the
 1646 Florida Retirement System class for which he or she is eligible
 1647 or to again become a participant in the optional retirement
 1648 program. Failure to elect membership in the optional program
 1649 within 90 days shall result in compulsory membership in the
 1650 Florida Retirement System, except that a member filling a
 1651 faculty position at a college that has a faculty practice plan
 1652 at the University of Florida, at the Medical Center at the
 1653 University of South Florida, or other state university shall
 1654 again participate in the optional retirement program as required
 1655 in s. 121.051(1)(a).

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1656 Section 17. Paragraph (f) of subsection (2), paragraph (c)
 1657 of subsection (3), and paragraph (a) of subsection (6) of
 1658 section 121.4501, Florida Statutes, are amended to read:

1659 121.4501 Public Employee Optional Retirement Program.—

1660 (2) DEFINITIONS.—As used in this part, the term:

1661 (f) "Eligible employee" means an officer or employee, as
 1662 defined in s. 121.021, who:

1663 1. Is a member of, or is eligible for membership in, the
 1664 Florida Retirement System, including any renewed member of the
 1665 Florida Retirement System initially enrolled before July 1,
 1666 2010; or

1667 2. Participates in, or is eligible to participate in, ~~the~~
 1668 ~~Senior Management Service Optional Annuity Program as~~
 1669 ~~established under s. 121.055(6),~~ the State Community College
 1670 System Optional Retirement Program as established under s.
 1671 121.051(2)(c), ~~or the State University System Optional~~
 1672 Retirement Program established under s. 121.35.

1673
 1674 The term does not include any member participating in the
 1675 Deferred Retirement Option Program established under s.
 1676 121.091(13), a retiree of a state-administered retirement system
 1677 initially reemployed on or after July 1, 2010, or a mandatory
 1678 participant of the State University System Optional Retirement
 1679 Program established under s. 121.35.

1680 (3) ELIGIBILITY; RETIREMENT SERVICE CREDIT.—

1681 (c)1. Notwithstanding paragraph (b), each eligible
 1682 employee who elects to participate in the Public Employee
 1683 Optional Retirement Program and establishes one or more

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1684 individual participant accounts under the optional program may
1685 elect to transfer to the optional program a sum representing the
1686 present value of the employee's accumulated benefit obligation
1687 under the defined benefit retirement program of the Florida
1688 Retirement System. Upon such transfer, all service credit
1689 previously earned under the defined benefit program of the
1690 Florida Retirement System shall be nullified for purposes of
1691 entitlement to a future benefit under the defined benefit
1692 program of the Florida Retirement System. A participant is
1693 precluded from transferring the accumulated benefit obligation
1694 balance from the defined benefit program upon the expiration of
1695 the period afforded to enroll in the optional program.

1696 2. For purposes of this subsection, the present value of
1697 the member's accumulated benefit obligation is based upon the
1698 member's estimated creditable service and estimated average
1699 final compensation under the defined benefit program, subject to
1700 recomputation under subparagraph 3. For state employees
1701 enrolling under subparagraph (4)(a)1., initial estimates will be
1702 based upon creditable service and average final compensation as
1703 of midnight on June 30, 2002; for district school board
1704 employees enrolling under subparagraph (4)(b)1., initial
1705 estimates will be based upon creditable service and average
1706 final compensation as of midnight on September 30, 2002; and for
1707 local government employees enrolling under subparagraph
1708 (4)(c)1., initial estimates will be based upon creditable
1709 service and average final compensation as of midnight on
1710 December 31, 2002. The dates respectively specified above shall
1711 be construed as the "estimate date" for these employees. The

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1712 actuarial present value of the employee's accumulated benefit
 1713 obligation shall be based on the following:

1714 a. The discount rate and other relevant actuarial
 1715 assumptions used to value the Florida Retirement System Trust
 1716 Fund at the time the amount to be transferred is determined,
 1717 consistent with the factors provided in sub-subparagraphs b. and
 1718 c.

1719 b. A benefit commencement age, based on the member's
 1720 estimated creditable service as of the estimate date. The
 1721 benefit commencement age shall be the younger of the following,
 1722 but shall not be younger than the member's age as of the
 1723 estimate date:

1724 (I) Age 62; or

1725 (II) The age the member would attain if the member
 1726 completed 30 years of service with an employer, assuming the
 1727 member worked continuously from the estimate date, and
 1728 disregarding any vesting requirement that would otherwise apply
 1729 under the defined benefit program of the Florida Retirement
 1730 System.

1731 c. For members of the Special Risk Class ~~and for members~~
 1732 ~~of the Special Risk Administrative Support Class~~ entitled to
 1733 retain special risk normal retirement date, the benefit
 1734 commencement age shall be the younger of the following, but
 1735 shall not be younger than the member's age as of the estimate
 1736 date:

1737 (I) Age 55; or

1738 (II) The age the member would attain if the member
 1739 completed 25 years of service with an employer, assuming the

1740 member worked continuously from the estimate date, and
 1741 disregarding any vesting requirement that would otherwise apply
 1742 under the defined benefit program of the Florida Retirement
 1743 System.

1744 d. The calculation shall disregard vesting requirements
 1745 and early retirement reduction factors that would otherwise
 1746 apply under the defined benefit retirement program.

1747 3. For each participant who elects to transfer moneys from
 1748 the defined benefit program to his or her account in the
 1749 optional program, the division shall recompute the amount
 1750 transferred under subparagraph 2. not later than 60 days after
 1751 the actual transfer of funds based upon the participant's actual
 1752 creditable service and actual final average compensation as of
 1753 the initial date of participation in the optional program. If
 1754 the recomputed amount differs from the amount transferred under
 1755 subparagraph 2. by \$10 or more, the division shall:

1756 a. Transfer, or cause to be transferred, from the Florida
 1757 Retirement System Trust Fund to the participant's account in the
 1758 optional program the excess, if any, of the recomputed amount
 1759 over the previously transferred amount together with interest
 1760 from the initial date of transfer to the date of transfer under
 1761 this subparagraph, based upon effective annual interest equal to
 1762 the assumed return on the actuarial investment which was used in
 1763 the most recent actuarial valuation of the system, compounded
 1764 annually.

1765 b. Transfer, or cause to be transferred, from the
 1766 participant's account to the Florida Retirement System Trust
 1767 Fund the excess, if any, of the previously transferred amount

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1768 over the recomputed amount, together with interest from the
1769 initial date of transfer to the date of transfer under this
1770 subparagraph, based upon 6 percent effective annual interest,
1771 compounded annually, pro rata based on the participant's
1772 allocation plan.

1773 4. As directed by the participant, the board shall
1774 transfer or cause to be transferred the appropriate amounts to
1775 the designated accounts. The board shall establish transfer
1776 procedures by rule, but the actual transfer shall not be later
1777 than 30 days after the effective date of the member's
1778 participation in the optional program unless the major financial
1779 markets for securities available for a transfer are seriously
1780 disrupted by an unforeseen event which also causes the
1781 suspension of trading on any national securities exchange in the
1782 country where the securities were issued. In that event, such
1783 30-day period of time may be extended by a resolution of the
1784 trustees. Transfers are not commissionable or subject to other
1785 fees and may be in the form of securities or cash as determined
1786 by the state board. Such securities shall be valued as of the
1787 date of receipt in the participant's account.

1788 5. If the board or the division receives notification from
1789 the United States Internal Revenue Service that this paragraph
1790 or any portion of this paragraph will cause the retirement
1791 system, or a portion thereof, to be disqualified for tax
1792 purposes under the Internal Revenue Code, then the portion that
1793 will cause the disqualification does not apply. Upon such
1794 notice, the state board and the division shall notify the
1795 presiding officers of the Legislature.

1796 (6) VESTING REQUIREMENTS.—

1797 (a)1. With respect to employer contributions paid on
 1798 behalf of the participant to the Public Employee Optional
 1799 Retirement Program, plus interest and earnings thereon and less
 1800 investment fees and administrative charges, a participant shall
 1801 be vested after completing 1 work year, as defined in s.
 1802 121.021(54), with an employer, including any service while the
 1803 participant was a member of the defined benefit retirement
 1804 program or an optional retirement program authorized under s.
 1805 121.051(2)(c) ~~or s. 121.055(6)~~.

1806 2. If the participant terminates employment prior to
 1807 satisfying the vesting requirements, the nonvested accumulation
 1808 shall be transferred from the participant's accounts to the
 1809 state board for deposit and investment by the board in the
 1810 suspense account of the Public Employee Optional Retirement
 1811 Program Trust Fund of the board. If the terminated participant
 1812 is reemployed as an eligible employee within 5 years, the state
 1813 board shall transfer to the participant's account any amount of
 1814 the moneys previously transferred from the participant's
 1815 accounts to the suspense account of the Public Employee Optional
 1816 Retirement Program Trust Fund, plus the actual earnings on such
 1817 amount while in the suspense account.

1818 Section 18. Subsection (3) of section 121.571, Florida
 1819 Statutes, is amended to read:

1820 121.571 Contributions.—Contributions to the Public
 1821 Employee Optional Retirement Program shall be made as follows:

1822 (3) CONTRIBUTIONS FOR SOCIAL SECURITY COVERAGE AND FOR
 1823 RETIREE HEALTH INSURANCE SUBSIDY.—Contributions required under

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1824 this section shall be in addition to employer and member
 1825 contributions required for social security and the Retiree
 1826 Health Insurance Subsidy Trust Fund as provided in ss. 112.363,
 1827 ~~121.052, 121.055,~~ and 121.071, as appropriate.

1828 Section 19. Subsection (3) of section 121.71, Florida
 1829 Statutes, is amended to read:

1830 121.71 Uniform rates; process; calculations; levy.—

1831 (3) Required employer retirement contribution rates for
 1832 each membership class and subclass of the Florida Retirement
 1833 System for both retirement plans are as follows:

1834

Membership Class	Percentage of Gross Compensation, Effective July 1, 2009	Percentage of Gross Compensation, Effective July 1, 2010
Regular Class	8.69%	9.63%
Special Risk Class	19.76%	22.11%
Special Risk Administrative Support Class	11.39%	12.10%

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1840 ~~Elected Officers'~~
~~Class~~
~~Legislators,~~
~~Governor,~~
~~Lt. Governor,~~
~~Cabinet Officers,~~
~~State Attorneys,~~
~~Public Defenders~~ ~~13.32%~~ ~~15.20%~~

1841 ~~Elected Officers'~~
~~Class~~
~~Justices, Judges~~ ~~18.40%~~ ~~20.65%~~

1842 ~~Elected Officers'~~
~~Class~~
~~County Elected~~
~~Officers~~ ~~15.37%~~ ~~17.50%~~

1843 ~~Senior Management~~
~~Class~~ ~~11.96%~~ ~~13.43%~~

1844 DROP 9.80% 11.14%

1845 Section 20. Subsection (4) of section 121.72, Florida
1846 Statutes, is amended to read:

1847 121.72 Allocations to optional retirement program
1848 participant accounts; percentage amounts.—

1849 (4) Effective July 1, 2002, allocations from the Florida

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1850 Retirement System Contributions Clearing Trust Fund to optional
 1851 retirement program participant accounts shall be as follows:

1852

Membership Class	Percentage of Gross Compensation
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1853

Regular Class	9.00%
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1854

Special Risk Class	20.00%
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1855

Special Risk Administrative Support Class	11.35%
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1856

Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	13.40%
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1857

Elected Officers' Class— Justices, Judges	18.90%
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1858

Elected Officers' Class— County Elected Officers	16.20%
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1859

Senior Management Service Class	10.95%
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1860

1861 Section 21. Subsection (3) of section 121.73, Florida
 1862 Statutes, is amended to read:

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1863 121.73 Allocations for optional retirement program
 1864 participant disability coverage; percentage amounts.—
 1865 (3) Effective July 1, 2002, allocations from the FRS
 1866 Contribution Clearing Fund to provide disability coverage for
 1867 participants in the optional retirement program, and to offset
 1868 the costs of administering said coverage, shall be as follows:
 1869

Membership Class	Percentage of Gross Compensation
------------------	--

Regular Class	0.25%
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Special Risk Class	1.33%
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Special Risk Administrative Support Class	0.45%
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Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	0.41%
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Elected Officers' Class— Justices, Judges	0.73%
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Elected Officers' Class— County Elected Officers	0.41%
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~~Senior Management Service Class~~ 0.26%

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Section 22. Paragraph (c) of subsection (2) of section 122.16, Florida Statutes, is amended to read:

122.16 Employment after retirement.—

(2)

(c) The employment by an employer of any retiree of a state-administered retirement system shall have no effect on the average final compensation or years of creditable service of such retiree. Prior to July 1, 1991, upon employment of any person, ~~other than an elected officer as provided in s. 121.053,~~ who has been retired under a state-administered retirement program, the employer shall pay retirement contributions in an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for a regular member of the Florida Retirement System. Effective July 1, 1991, contributions shall be made as provided in s. 121.122 for renewed membership.

Section 23. Subsection (3) of section 175.041, Florida Statutes, is amended to read:

175.041 Firefighters' Pension Trust Fund created; applicability of provisions.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(3) The provisions of this chapter ~~shall~~ apply only to municipalities organized and established pursuant to law ~~the laws of the state~~ and to special fire control districts. This

1904 chapter does, ~~and said provisions shall~~ not apply to the
 1905 unincorporated areas of any county or counties, except with
 1906 respect to special fire control districts that include
 1907 unincorporated areas, or ~~nor shall the provisions hereof apply~~
 1908 to any governmental entity whose firefighters are eligible to
 1909 participate in the Florida Retirement System, except as provided
 1910 in s. 175.351(5), s. 175.371, or s. 175.372.

1911 (a) Special fire control districts that include, or
 1912 consist exclusively of, unincorporated areas of one or more
 1913 counties may levy and impose the tax and participate in the
 1914 retirement programs enabled by this chapter.

1915 (b) With respect to the distribution of premium taxes, a
 1916 single consolidated government consisting of a former county and
 1917 one or more municipalities, consolidated pursuant to s. 3 or s.
 1918 6(e), Art. VIII of the State Constitution, may ~~is~~ also eligible
 1919 ~~to~~ participate under this chapter. The consolidated government
 1920 shall notify the division when it has entered into an interlocal
 1921 agreement to provide fire services to a municipality within its
 1922 boundaries. The municipality may enact an ordinance levying the
 1923 tax as provided in s. 175.101. Upon being provided copies of the
 1924 interlocal agreement and the municipal ordinance levying the
 1925 tax, the division may distribute any premium taxes reported for
 1926 the municipality to the consolidated government as long as the
 1927 interlocal agreement is in effect.

1928 (c) Any municipality that has entered into an interlocal
 1929 agreement to provide fire protection services to any other
 1930 incorporated municipality, in its entirety, for ~~a period of~~ 12
 1931 months or more may be eligible to receive the premium taxes

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1932 reported for such other municipality. ~~In order~~ To be eligible
 1933 ~~for such premium taxes~~, the municipality providing the fire
 1934 services must notify the division that it has entered into an
 1935 interlocal agreement with another municipality. The municipality
 1936 receiving the fire services may enact an ordinance levying the
 1937 tax as provided in s. 175.101. Upon being provided copies of the
 1938 interlocal agreement and the municipal ordinance levying the
 1939 tax, the division may distribute any premium taxes reported for
 1940 the municipality receiving the fire services to the
 1941 ~~participating~~ municipality providing the fire services as long
 1942 as the interlocal agreement is in effect.

1943 Section 24. Paragraph (d) is added to subsection (1) of
 1944 section 175.061, Florida Statutes, to read:

1945 175.061 Board of trustees; members; terms of office;
 1946 meetings; legal entity; costs; attorney's fees.—For any
 1947 municipality, special fire control district, chapter plan, local
 1948 law municipality, local law special fire control district, or
 1949 local law plan under this chapter:

1950 (1) In each municipality and in each special fire control
 1951 district there is hereby created a board of trustees of the
 1952 firefighters' pension trust fund, which shall be solely
 1953 responsible for administering the trust fund. Effective October
 1954 1, 1986, and thereafter:

1955 (d) A majority of the members of a board of trustees may
 1956 not be members or retirees of the plan for which the board is
 1957 administering the trust fund.

1958 Section 25. Paragraph (b) of subsection (2) of section
 1959 175.091, Florida Statutes, is amended to read:

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1960 175.091 Creation and maintenance of fund.—For any
 1961 municipality, special fire control district, chapter plan, local
 1962 law municipality, local law special fire control district, or
 1963 local law plan under this chapter:

1964 (2) Member contribution rates may be adjusted as follows:

1965 (b) Firefighter member contributions may be increased by
 1966 consent of the members' collective bargaining representative or,
 1967 if none, by majority consent of firefighter members of the fund
 1968 ~~to provide greater benefits.~~

1969
 1970 Nothing in this section shall be construed to require adjustment
 1971 of member contribution rates in effect on the date this act
 1972 becomes a law, including rates that exceed 5 percent of salary,
 1973 provided that such rates are at least one-half of 1 percent of
 1974 salary.

1975 Section 26. Paragraph (a) of subsection (2) of section
 1976 175.162, Florida Statutes, is amended to read:

1977 175.162 Requirements for retirement.—For any municipality,
 1978 special fire control district, chapter plan, local law
 1979 municipality, local law special fire control district, or local
 1980 law plan under this chapter, any firefighter who completes 10 or
 1981 more years of creditable service as a firefighter and attains
 1982 age 55, or completes 25 years of creditable service as a
 1983 firefighter and attains age 52, and who for such minimum period
 1984 has been a member of the firefighters' pension trust fund
 1985 operating under a chapter plan or local law plan, is eligible
 1986 for normal retirement benefits. Normal retirement under the plan
 1987 is retirement from the service of the municipality or special

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1988 fire control district on or after the normal retirement date. In
 1989 such event, payment of retirement income will be governed by the
 1990 following provisions of this section:

1991 (2) (a) The amount of monthly retirement income payable to
 1992 a full-time firefighter who retires on or after his or her
 1993 normal retirement date is ~~shall be an amount~~ equal to the number
 1994 of his or her years of credited service multiplied by 2 percent
 1995 of his or her average final compensation as a full-time
 1996 firefighter. ~~However, if current state contributions pursuant to~~
 1997 ~~this chapter are not adequate to fund the additional benefits to~~
 1998 ~~meet the minimum requirements in this chapter, only such~~
 1999 ~~incremental increases shall be required as state moneys are~~
 2000 ~~adequate to provide. Such increments shall be provided as state~~
 2001 ~~moneys become available.~~

2002 Section 27. Section 175.351, Florida Statutes, is amended
 2003 to read:

2004 175.351 Municipalities and special fire control districts
 2005 having their own pension plans ~~for firefighters.~~—For any
 2006 municipality, special fire control district, local law
 2007 municipality, local law special fire control district, or local
 2008 law plan under this chapter, in order for municipalities and
 2009 special fire control districts that have ~~with~~ their own pension
 2010 plans for firefighters, or for firefighters and police officers,
 2011 where included, to participate in the distribution of the tax
 2012 fund established pursuant to s. 175.101, local law plans must
 2013 provide extra benefits within those pension plans for
 2014 firefighters, or for firefighters and police officers where
 2015 included, which are equal to or greater than the value of the

2016 premium tax income received ~~meet the minimum benefits and~~
 2017 ~~minimum standards set forth in this chapter.~~

2018 (1) ~~PREMIUM TAX INCOME.—If a municipality has a pension~~
 2019 ~~plan for firefighters, or a pension plan for firefighters and~~
 2020 ~~police officers, where included, which in the opinion of the~~
 2021 ~~division meets the minimum benefits and minimum standards set~~
 2022 ~~forth in this chapter, the board of trustees of the pension~~
 2023 ~~plan, as approved by a majority of firefighters of the~~
 2024 ~~municipality, may:~~

2025 (a) ~~Place the income from the premium tax in s. 175.101 in~~
 2026 ~~such pension plan for the sole and exclusive use of its~~
 2027 ~~firefighters, or for firefighters and police officers, where~~
 2028 ~~included, where it shall become an integral part of that pension~~
 2029 ~~plan and shall be used to pay extra benefits to the firefighters~~
 2030 ~~included in that pension plan; or~~

2031 (b) ~~Place the income from the premium tax in s. 175.101 in~~
 2032 ~~a separate supplemental plan to pay extra benefits to~~
 2033 ~~firefighters, or to firefighters and police officers where~~
 2034 ~~included, participating in such separate supplemental plan. The~~
 2035 ~~premium tax provided by this chapter must shall in all cases be~~
 2036 ~~used in its entirety to provide extra benefits to firefighters,~~
 2037 ~~or to firefighters and police officers, where included.~~

2038 Notwithstanding any other provision of this chapter ~~However,~~
 2039 ~~local law plans in effect on October 1, 1998, may shall be~~
 2040 ~~required to comply with the minimum benefit provisions of this~~
 2041 ~~chapter by providing pension benefits that, in the aggregate,~~
 2042 ~~exceed the minimum benefits set forth in this chapter as~~
 2043 ~~determined by the plan's actuary only to the extent that~~

2044 ~~additional premium tax revenues become available to~~
 2045 ~~incrementally fund the cost of such compliance as provided in s.~~
 2046 ~~175.162(2)(a). When a plan is in compliance with such minimum~~
 2047 ~~benefit provisions, as subsequent additional premium tax~~
 2048 ~~revenues become available, they shall be used to provide extra~~
 2049 ~~benefits. For the purpose of this chapter, "additional premium~~
 2050 ~~tax revenues" means revenues received by a municipality or~~
 2051 ~~special fire control district pursuant to s. 175.121 which~~
 2052 ~~exceed that amount received for calendar year 1997, and the term~~
 2053 ~~"extra benefits" means benefits that are in addition to or~~
 2054 ~~greater than those provided to general employees of the~~
 2055 ~~municipality regardless of when such benefit was or is provided~~
 2056 ~~and in addition to those in existence for firefighters on March~~
 2057 ~~12, 1999. Local law plans created by special act before May 23,~~
 2058 ~~1939, are shall be deemed to comply with this chapter.~~

2059 (2) ~~A ADOPTION OR REVISION OF A LOCAL LAW PLAN. No~~
 2060 ~~retirement plan or amendment to a retirement plan may not shall~~
 2061 ~~be proposed for adoption unless the proposed plan or amendment~~
 2062 ~~contains an actuarial estimate of the costs involved. The No~~
 2063 ~~such proposed plan or proposed plan change may not shall be~~
 2064 ~~adopted without the approval of the municipality, special fire~~
 2065 ~~control district, or, if where permitted, the Legislature.~~
 2066 ~~Copies of the proposed plan or proposed plan change and the~~
 2067 ~~actuarial impact statement of the proposed plan or proposed plan~~
 2068 ~~change shall be furnished to the division prior to the last~~
 2069 ~~public hearing thereon. The impact Such statement must shall~~
 2070 ~~also indicate whether the proposed plan or proposed plan change~~
 2071 ~~is in compliance with s. 14, Art. X of the State Constitution~~

2072 and those provisions of part VII of chapter 112 which are not
 2073 expressly provided in this chapter. Notwithstanding any other
 2074 provision, only those local law plans created by special act of
 2075 legislation before ~~prior to~~ May 23, 1939, are ~~shall be~~ deemed to
 2076 meet the minimum benefits and minimum standards ~~only~~ in this
 2077 chapter.

2078 (3) Notwithstanding any other provision, with respect to a
 2079 ~~any~~ supplemental plan municipality:

2080 (a) Section 175.032(3)(a) does ~~shall~~ not apply, and a
 2081 local law plan and a supplemental plan may continue to use their
 2082 definition of compensation or salary in existence on March 12,
 2083 1999 ~~the effective date of this act.~~

2084 (b) Section 175.061(1)(b) does ~~shall~~ not apply, and a
 2085 local law plan and a supplemental plan shall continue to be
 2086 administered by a board or boards of trustees numbered,
 2087 constituted, and selected as the board or boards were numbered,
 2088 constituted, and selected on December 1, 2000.

2089 ~~(c) The election set forth in paragraph (1)(b) shall be~~
 2090 ~~deemed to have been made.~~

2091 (4) The retirement plan setting forth the benefits and the
 2092 trust agreement, if any, covering the duties and
 2093 responsibilities of the trustees and the regulations of the
 2094 investment of funds must be in writing, and copies ~~thereof~~ must
 2095 be made available to the participants and to the general public.

2096 (5) A municipality or special fire control district may
 2097 establish one or more new plans, or benefit levels within a
 2098 plan, which provide different benefit levels for plan members
 2099 based on the member's date of hire if the new plan or benefit

2100 level provides pension benefits that, in the aggregate, meet or
 2101 exceed the minimum benefits set forth in this chapter, as
 2102 determined by the plan's actuary. A municipality or special fire
 2103 control district may elect to maintain an existing plan and join
 2104 the Florida Retirement System for employees hired after a
 2105 specified date. A municipality or special fire control district
 2106 choosing to operate under this subsection shall use the premium
 2107 tax provided under this chapter for the current plan or benefit
 2108 level, for any additional plan or benefit level, or for
 2109 contributions to the Florida Retirement System.

2110 Section 28. Section 175.371, Florida Statutes, is amended
 2111 to read:

2112 175.371 Transfer to another state retirement system;
 2113 benefits payable.—For any municipality, special fire control
 2114 district, chapter plan, local law municipality, local law
 2115 special fire control district, or local law plan under this
 2116 chapter:

2117 (1) Any firefighter who has a vested right to benefits
 2118 under a pension plan created pursuant to ~~the provisions of this~~
 2119 chapter and who elects to participate in another state
 2120 retirement system may not receive a benefit under the other
 2121 ~~provisions of the latter~~ retirement system for any period of
 2122 ~~year's~~ service for which benefits are paid under ~~the provisions~~
 2123 ~~of the pension plan created pursuant to~~ this chapter.

2124 (2) If ~~When~~ every active participant in any pension plan
 2125 created pursuant to this chapter elects to transfer to another
 2126 state retirement system, the pension plan created pursuant to
 2127 this chapter shall be terminated and the assets distributed in

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2128 | accordance with s. 175.361. If, upon joining another state
 2129 | retirement system as the result of a transfer, merger, or
 2130 | consolidation of governmental services, or the municipality's or
 2131 | special fire control district's election to participate in such
 2132 | system, some participants in a pension plan subject ~~created~~
 2133 | ~~pursuant~~ to this chapter elect to transfer to another state
 2134 | retirement system and other participants elect to remain in the
 2135 | existing plan ~~created pursuant to this chapter,~~ the existing
 2136 | ~~plan created pursuant to this chapter~~ shall continue to receive
 2137 | state premium tax moneys until fully funded. If the plan is
 2138 | fully funded at a particular valuation date and not fully funded
 2139 | at a later valuation date, the plan shall resume receipt of
 2140 | state premium tax moneys until the plan is once again fully
 2141 | funded. The term "fully funded" means that the present value of
 2142 | all benefits, accrued and projected, is less than the available
 2143 | assets and the present value of future member contributions and
 2144 | future plan sponsor contributions on an actuarial entry age cost
 2145 | funding basis. Effective May 31, 1998, ~~for~~ plans discussed
 2146 | herein, ~~the plan~~ shall remain in effect until the final benefit
 2147 | payment has been made to the last participant or beneficiary and
 2148 | shall then be terminated in accordance with s. 175.361.

2149 | Section 29. Section 175.372, Florida Statutes, is created
 2150 | to read:

2151 | 175.372 Benefits under another retirement system or
 2152 | pension program.—For any municipality, special fire control
 2153 | district, chapter plan, local law municipality, local law
 2154 | special fire control district, or local law plan under this
 2155 | chapter:

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2156 (1) A firefighter who has a vested right to benefits under
2157 the pension plan may not receive a benefit under a new
2158 retirement system or pension program for any period of service
2159 for which benefits are being paid pursuant to the pension plan
2160 subject to this chapter.

2161 (2) If a municipality or special fire control district
2162 chooses to create or transfer to another retirement system or
2163 pension program, including, but not limited to, a defined
2164 contribution program, for all or a portion of its active
2165 firefighters who are in a pension plan subject to this chapter,
2166 or for firefighters hired after a date certain, the municipality
2167 or special fire control district shall continue to receive state
2168 premium tax moneys and must use those funds as needed to fully
2169 fund a preexisting plan subject to this chapter or to reduce the
2170 required contributions of the municipality or special fire
2171 control district to the new retirement system or pension
2172 program.

2173 Section 30. Subsection (4) of section 185.02, Florida
2174 Statutes, is amended to read:

2175 185.02 Definitions.—For any municipality, chapter plan,
2176 local law municipality, or local law plan under this chapter,
2177 the following words and phrases as used in this chapter shall
2178 have the following meanings, unless a different meaning is
2179 plainly required by the context:

2180 (4) "Compensation" or "salary" means the fixed monthly
2181 ~~total cash~~ remuneration ~~including "overtime"~~ paid by the primary
2182 employer to a police officer for services rendered, but not
2183 including any payments for extra duty or a special detail work

2184 performed on behalf of a second party employer. ~~However, a local~~
 2185 ~~law plan may limit the amount of overtime payments which can be~~
 2186 ~~used for retirement benefit calculation purposes, but in no~~
 2187 ~~event shall such overtime limit be less than 300 hours per~~
 2188 ~~officer per calendar year.~~

2189 (a) Any retirement trust fund or plan that ~~which now or~~
 2190 ~~hereafter~~ meets the requirements of this chapter may ~~shall~~ not,
 2191 solely by virtue of this subsection, reduce or diminish the
 2192 monthly retirement income otherwise payable to each police
 2193 officer covered by the retirement trust fund or plan.

2194 (b) The member's compensation or salary contributed as
 2195 employee-elective salary reductions or deferrals to any salary
 2196 reduction, deferred compensation, or tax-sheltered annuity
 2197 program authorized under the Internal Revenue Code shall be
 2198 deemed to be the compensation or salary the member would receive
 2199 if he or she were not participating in such program and ~~shall be~~
 2200 treated as compensation for retirement purposes under this
 2201 chapter.

2202 (c) For any person who first becomes a member in a ~~any~~
 2203 plan year beginning on or after January 1, 1996, compensation
 2204 for a ~~any~~ plan year may ~~shall~~ not include ~~any~~ amounts in excess
 2205 of the Internal Revenue Code s. 401(a)(17) limitation, ~~(as~~
 2206 ~~amended by the Omnibus Budget Reconciliation Act of 1993),~~ which
 2207 limitation of \$150,000 shall be adjusted as required by federal
 2208 law for qualified government plans and shall be further adjusted
 2209 for changes in the cost of living in the manner provided by
 2210 Internal Revenue Code s. 401(a)(17)(B). For any person who first
 2211 became a member before ~~prior to~~ the first plan year beginning on

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2212 or after January 1, 1996, the limitation on compensation shall
 2213 be at least ~~not less than~~ the maximum compensation amount that
 2214 was allowed to be taken into account under the plan as in effect
 2215 on July 1, 1993, which limitation shall be adjusted for changes
 2216 in the cost of living since 1989 as ~~in the manner~~ provided by
 2217 Internal Revenue Code s. 401(a)(17)(1991).

2218 Section 31. Subsection (2) of section 185.03, Florida
 2219 Statutes, is amended to read:

2220 185.03 Municipal police officers' retirement trust funds;
 2221 creation; applicability of provisions; participation by public
 2222 safety officers.—For any municipality, chapter plan, local law
 2223 municipality, or local law plan under this chapter:

2224 (2) The provisions of this chapter ~~shall~~ apply only to
 2225 municipalities organized and established pursuant to the laws of
 2226 the state, and do ~~said provisions shall~~ not apply to the
 2227 unincorporated areas of any county or counties or ~~nor shall the~~
 2228 ~~provisions hereof apply~~ to any governmental entity whose police
 2229 officers are eligible to participate in the Florida Retirement
 2230 System, except as provided in s. 185.35(5), s. 185.38, or s.
 2231 185.381.

2232 Section 32. Present paragraphs (c) and (d) of subsection
 2233 (1) of section 185.05, Florida Statutes, are redesignated as
 2234 paragraphs (d) and (e), respectively, and a new paragraph (c) is
 2235 added to that subsection, to read:

2236 185.05 Board of trustees; members; terms of office;
 2237 meetings; legal entity; costs; attorney's fees.—For any
 2238 municipality, chapter plan, local law municipality, or local law
 2239 plan under this chapter:

2240 (1) In each municipality described in s. 185.03 there is
 2241 hereby created a board of trustees of the municipal police
 2242 officers' retirement trust fund, which shall be solely
 2243 responsible for administering the trust fund. Effective October
 2244 1, 1986, and thereafter:

2245 (c) A majority of the members of a board of trustees may
 2246 not be members or retirees of the plan for which the board is
 2247 administering the trust fund.

2248 Section 33. Paragraph (b) of subsection (2) of section
 2249 185.07, Florida Statutes, is amended to read:

2250 185.07 Creation and maintenance of fund.—For any
 2251 municipality, chapter plan, local law municipality, or local law
 2252 plan under this chapter:

2253 (2) Member contribution rates may be adjusted as follows:

2254 (b) Police officer member contributions may be increased
 2255 by consent of the members' collective bargaining representative
 2256 or, if none, by majority consent of police officer members of
 2257 the fund ~~to provide greater benefits.~~

2258
 2259 Nothing in this section shall be construed to require adjustment
 2260 of member contribution rates in effect on the date this act
 2261 becomes a law, including rates that exceed 5 percent of salary,
 2262 provided that such rates are at least one-half of 1 percent of
 2263 salary.

2264 Section 34. Subsection (2) of section 185.16, Florida
 2265 Statutes, is amended to read:

2266 185.16 Requirements for retirement.—For any municipality,
 2267 chapter plan, local law municipality, or local law plan under

2268 | this chapter, any police officer who completes 10 or more years
 2269 | of creditable service as a police officer and attains age 55, or
 2270 | completes 25 years of creditable service as a police officer and
 2271 | attains age 52, and for such period has been a member of the
 2272 | retirement fund is eligible for normal retirement benefits.
 2273 | Normal retirement under the plan is retirement from the service
 2274 | of the city on or after the normal retirement date. In such
 2275 | event, for chapter plans and local law plans, payment of
 2276 | retirement income will be governed by the following provisions
 2277 | of this section:

2278 | (2) The amount of the monthly retirement income payable to
 2279 | a police officer who retires on or after his or her normal
 2280 | retirement date is ~~shall be an amount~~ equal to the number of the
 2281 | police officer's years of credited service multiplied by 2
 2282 | percent of his or her average final compensation. ~~However, if~~
 2283 | ~~current state contributions pursuant to this chapter are not~~
 2284 | ~~adequate to fund the additional benefits to meet the minimum~~
 2285 | ~~requirements in this chapter, only increment increases shall be~~
 2286 | ~~required as state moneys are adequate to provide. Such~~
 2287 | ~~increments shall be provided as state moneys become available.~~

2288 | Section 35. Section 185.35, Florida Statutes, is amended
 2289 | to read:

2290 | 185.35 Municipalities having their own pension plans ~~for~~
 2291 | ~~police officers.~~—For any municipality, chapter plan, local law
 2292 | municipality, or local law plan under this chapter, in order for
 2293 | municipalities that have ~~with~~ their own pension plans for police
 2294 | officers, or for police officers and firefighters where
 2295 | included, to participate in the distribution of the tax fund

2296 established pursuant to s. 185.08, local law plans must provide
 2297 extra benefits within those pension plans for police officers,
 2298 or for police officers and firefighters where included, which
 2299 are equal to or greater than the value of the premium tax income
 2300 received. ~~meet the minimum benefits and minimum standards set~~
 2301 ~~forth in this chapter:~~

2302 (1) ~~PREMIUM TAX INCOME.~~ ~~If a municipality has a pension~~
 2303 ~~plan for police officers, or for police officers and~~
 2304 ~~firefighters where included, which, in the opinion of the~~
 2305 ~~division, meets the minimum benefits and minimum standards set~~
 2306 ~~forth in this chapter, the board of trustees of the pension~~
 2307 ~~plan, as approved by a majority of police officers of the~~
 2308 ~~municipality, may:~~

2309 (a) ~~Place the income from the premium tax in s. 185.08 in~~
 2310 ~~such pension plan for the sole and exclusive use of its police~~
 2311 ~~officers, or its police officers and firefighters where~~
 2312 ~~included, where it shall become an integral part of that pension~~
 2313 ~~plan and shall be used to pay extra benefits to the police~~
 2314 ~~officers included in that pension plan; or~~

2315 (b) ~~May place the income from the premium tax in s. 185.08~~
 2316 ~~in a separate supplemental plan to pay extra benefits to the~~
 2317 ~~police officers, or police officers and firefighters where~~
 2318 ~~included, participating in such separate supplemental plan. The~~
 2319 ~~premium tax provided by this chapter must shall in all cases be~~
 2320 ~~used in its entirety to provide extra benefits to police~~
 2321 ~~officers, or to police officers and firefighters, where~~
 2322 ~~included. Notwithstanding any other provision of this chapter~~
 2323 ~~However,~~ local law plans in effect on October 1, 1998, may ~~shall~~

2324 ~~be required to~~ comply with the minimum benefit provisions of
 2325 this chapter by providing pension benefits that, in the
 2326 aggregate, exceed the minimum benefits set forth in this chapter
 2327 as determined by the plan's actuary ~~only to the extent that~~
 2328 ~~additional premium tax revenues become available to~~
 2329 ~~incrementally fund the cost of such compliance as provided in s.~~
 2330 ~~185.16(2). When a plan is in compliance with such minimum~~
 2331 ~~benefit provisions, as subsequent additional tax revenues become~~
 2332 ~~available, they shall be used to provide extra benefits. For the~~
 2333 purpose of this chapter, ~~"additional premium tax revenues" means~~
 2334 ~~revenues received by a municipality pursuant to s. 185.10 which~~
 2335 ~~exceed the amount received for calendar year 1997, and the term~~
 2336 "extra benefits" means benefits that are in addition to or
 2337 greater than those provided to general employees of the
 2338 municipality regardless of when such additional or greater
 2339 benefit was or is provided ~~and in addition to those in existence~~
 2340 ~~for police officers on March 12, 1999. Local law plans created~~
 2341 by special act before May 23, 1939, are ~~shall be~~ deemed to
 2342 comply with this chapter.

2343 (2) ~~A ADOPTION OR REVISION OF A LOCAL LAW PLAN. No~~
 2344 retirement plan or amendment to a retirement plan may not ~~shall~~
 2345 be proposed for adoption unless the proposed plan or amendment
 2346 contains an actuarial estimate of the costs involved. The ~~No~~
 2347 ~~such~~ proposed plan or proposed plan change may not ~~shall~~ be
 2348 adopted without the approval of the municipality or, if ~~where~~
 2349 permitted, the Legislature. Copies of the proposed plan or
 2350 proposed plan change and the actuarial impact statement of the
 2351 proposed plan or proposed plan change shall be furnished to the

2352 division prior to the last public hearing thereon. The impact
 2353 ~~Such~~ statement must ~~shall~~ also indicate whether the proposed
 2354 plan or proposed plan change is in compliance with s. 14, Art. X
 2355 of the State Constitution and those provisions of part VII of
 2356 chapter 112 which are not expressly provided in this chapter.
 2357 Notwithstanding any other provision, only those local law plans
 2358 created by special act of legislation before ~~prior to~~ May 23,
 2359 1939, are ~~shall be~~ deemed to meet the minimum benefits and
 2360 minimum standards only in this chapter.

2361 (3) Notwithstanding any other provision, with respect to a
 2362 ~~any~~ supplemental plan municipality:

2363 (a) Section 185.02(4)(a) shall not apply, and a local law
 2364 plan and a supplemental plan may continue to use their
 2365 definition of compensation or salary in existence on March 12,
 2366 1999 ~~the effective date of this act.~~

2367 (b) Section 185.05(1)(b) shall not apply, and a local law
 2368 plan and a supplemental plan shall continue to be administered
 2369 by a board or boards of trustees numbered, constituted, and
 2370 selected as the board or boards were numbered, constituted, and
 2371 selected on December 1, 2000.

2372 ~~(c) The election set forth in paragraph (1)(b) shall be~~
 2373 ~~deemed to have been made.~~

2374 (4) The retirement plan setting forth the benefits and the
 2375 trust agreement, if any, covering the duties and
 2376 responsibilities of the trustees and the regulations of the
 2377 investment of funds must be in writing and copies must be made
 2378 available to the participants and to the general public.

2379 (5) A municipality may establish one or more new plans, or

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2380 benefit levels within a plan, which provide different benefit
 2381 levels for plan members based on the member's date of hire if
 2382 the new plan or benefit level provides pension benefits that, in
 2383 the aggregate, meet or exceed the minimum benefits set forth in
 2384 this chapter, as determined by the plan's actuary. A
 2385 municipality may elect to maintain an existing plan and join the
 2386 Florida Retirement System for employees hired after a specified
 2387 date. A municipality choosing to operate under this subsection
 2388 shall use the premium tax provided under this chapter for the
 2389 current plan or benefit level, for any additional plan or
 2390 benefit level, or for contributions to the Florida Retirement
 2391 System.

2392 Section 36. Section 185.38, Florida Statutes, is amended
 2393 to read:

2394 185.38 Transfer to another state retirement system;
 2395 benefits payable.—For any municipality, chapter plan, local law
 2396 municipality, or local law plan under this chapter:

2397 (1) Any police officer who has a vested right to benefits
 2398 under a pension plan created pursuant to ~~the provisions of this~~
 2399 chapter and who elects to participate in another state
 2400 retirement system may not receive a benefit under the other ~~the~~
 2401 ~~provisions of the latter~~ retirement system for any period of
 2402 ~~year's~~ service for which benefits are paid under ~~the provisions~~
 2403 ~~of the pension plan created pursuant to~~ this chapter.

2404 (2) If ~~When~~ every active participant in any pension plan
 2405 created pursuant to this chapter elects to transfer to another
 2406 state retirement system, the pension plan created pursuant to
 2407 this chapter shall be terminated and the assets distributed in

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2408 | accordance with s. 185.37. If, upon joining another state
 2409 | retirement system as the result of a transfer, merger, or
 2410 | consolidation of governmental services, or as the municipality's
 2411 | election to participate in such system, some participants in a
 2412 | pension plan subject ~~created pursuant~~ to this chapter elect to
 2413 | transfer to another state retirement system and other
 2414 | participants elect to remain in the existing plan ~~created~~
 2415 | ~~pursuant to this chapter,~~ the existing plan ~~created pursuant to~~
 2416 | ~~this chapter~~ shall continue to receive state premium tax moneys
 2417 | until fully funded. If the plan is fully funded at a particular
 2418 | valuation date and not fully funded at a later valuation date,
 2419 | the plan shall resume receipt of state premium tax moneys until
 2420 | the plan is once again determined to be fully funded. The term
 2421 | "fully funded" means that the present value of all benefits,
 2422 | accrued and projected, is less than the available assets and the
 2423 | present value of future member contributions and future plan
 2424 | sponsor contributions on an actuarial entry age cost funding
 2425 | basis. Effective May 31, 1998, ~~for~~ plans discussed herein, ~~the~~
 2426 | ~~plan shall~~ remain in effect until the final benefit payment has
 2427 | been made to the last participant or beneficiary and shall then
 2428 | be terminated in accordance with s. 185.37.

2429 | Section 37. Section 185.381, Florida Statutes, is created
 2430 | to read:

2431 | 185.381 Benefits under another retirement system or
 2432 | pension program.—For any municipality, chapter plan, local law
 2433 | municipality, or local law plan under this chapter:

2434 | (1) A police officer who has a vested right to benefits
 2435 | under the pension plan may not receive a benefit under a new

2436 retirement system or pension program for any period of service
 2437 for which benefits are paid pursuant to the pension plan subject
 2438 to this chapter.

2439 (2) If a municipality chooses to create or transfer to
 2440 another retirement system or pension program, including, but not
 2441 limited to, a defined contribution program, for all or a portion
 2442 of its active police officers who are in a pension plan subject
 2443 to this chapter, or for police officers hired after a date
 2444 certain, the municipality shall continue to receive state
 2445 premium tax moneys and must use those funds as needed to fully
 2446 fund a preexisting plan subject to this chapter or to reduce the
 2447 required contributions of the municipality to the new retirement
 2448 system or pension program.

2449 Section 38. Paragraph (g) of subsection (2) of section
 2450 238.181, Florida Statutes, is amended to read:

2451 238.181 Reemployment after retirement; conditions and
 2452 limitations.-

2453 (2)

2454 (g) The employment by an employer of any retiree of a
 2455 state-administered retirement system shall have no effect on the
 2456 average final compensation or years of creditable service of
 2457 such retiree. Prior to July 1, 1991, upon employment of any
 2458 person, ~~other than an elected officer as provided in s. 121.053,~~
 2459 who has been retired under any state-administered retirement
 2460 program, the employer shall pay retirement contributions in an
 2461 amount equal to the unfunded actuarial accrued liability portion
 2462 of the employer contribution which would be required for a
 2463 regular member of the Florida Retirement System. Effective July

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2464 1, 1991, contributions shall be made as provided in s. 121.122
 2465 for renewed membership.

2466 Section 39. Paragraph (i) of subsection (3) of section
 2467 1012.875, Florida Statutes, is amended to read:

2468 1012.875 State Community College System Optional
 2469 Retirement Program.—Each community college may implement an
 2470 optional retirement program, if such program is established
 2471 therefor pursuant to s. 1001.64(20), under which annuity or
 2472 other contracts providing retirement and death benefits may be
 2473 purchased by, and on behalf of, eligible employees who
 2474 participate in the program, in accordance with s. 403(b) of the
 2475 Internal Revenue Code. Except as otherwise provided herein, this
 2476 retirement program, which shall be known as the State Community
 2477 College System Optional Retirement Program, may be implemented
 2478 and administered only by an individual community college or by a
 2479 consortium of community colleges.

2480 (3)

2481 (i) ~~Except as provided in s. 121.052(6)(d),~~ A program
 2482 participant who is or who becomes dually employed in two or more
 2483 positions covered by the Florida Retirement System, one of which
 2484 is eligible for an optional retirement program pursuant to this
 2485 section and one of which is not, is subject to the dual
 2486 employment provisions of chapter 121.

2487 Section 40. Any elected official convicted of a crime, or
 2488 who is forced to resign his or her office as a result of a plea
 2489 bargain, shall forfeit any pension benefit administered by this
 2490 state or any political subdivision thereof.

2491 Section 41. The Legislature finds that a proper and

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2492 legitimate state purpose is served when employees and retirees
2493 of the state and its political subdivisions, and the dependents,
2494 survivors, and beneficiaries of such employees and retirees, are
2495 extended the basic protections afforded by governmental
2496 retirement systems. These persons must be provided benefits that
2497 are fair and adequate and that are managed, administered, and
2498 funded in an actuarially sound manner, as required by s. 14,
2499 Article X of the State Constitution and part VII of chapter 112,
2500 Florida Statutes. Therefore, the Legislature determines and
2501 declares that this act fulfills an important state interest.

2502 Section 42. This act shall take effect July 1, 2010.